

SENATE BILL NO. 1783

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHNELTING.

7360S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 217.695, 217.720, and 217.722, RSMo, and to enact in lieu thereof four new sections relating to persons on probation and parole.

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

Section A. Sections 217.695, 217.720, and 217.722, RSMo,
2 are repealed and four new sections enacted in lieu thereof, to
3 be known as sections 217.695, 217.720, 217.722, and 217.723, to
4 read as follows:

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 division of
10 probation and parole.

11 2. **(1)** Each offender to be released from custody of
12 the department who will be under the supervision of the
13 division of probation and parole, except an offender
14 transferred to another state pursuant to the interstate
15 corrections compact, shall shortly before release be
16 required to: complete a registration form indicating his or

17 her intended address upon release, employer, parent's
18 address, and such other information as may be required;
19 submit to photographs; submit to fingerprints; or undergo
20 other identification procedures including but not limited to
21 hair samples or other identification indicia. All data and
22 indicia of identification shall be compiled in duplicate,
23 with one set to be retained by the department, and one set
24 for the chief law enforcement official of the county of
25 intended residence.

26 **(2) Notwithstanding any provision of law to the**
27 **contrary, the division of probation and parole shall forward**
28 **the terms and conditions of an offender's probation or**
29 **parole to the Missouri state highway patrol within five**
30 **business days of an offender's release from custody of the**
31 **department of corrections and entry into supervision by the**
32 **division. Such terms and conditions of probation or parole**
33 **shall be recorded in the Missouri uniform law enforcement**
34 **system (MULES), where such information is available to**
35 **members of the criminal justice system, and other entities**
36 **as provided by law, upon inquiry.**

37 3. Any offender subject to the provisions of this
38 section who changes his or her county of residence shall, in
39 addition to notifying the division of probation and parole,
40 notify and register with the chief law enforcement official
41 of the county of residence within seven days after he or she
42 changes his or her residence to that county.

43 4. Failure by an offender to register with the chief
44 law enforcement official upon a change in the county of his
45 or her residence shall be cause for revocation of the parole
46 of the person except for good cause shown.

47 5. The department, the division of probation and
48 parole, and the chief law enforcement official shall cause

49 the information collected on the initial registration and
50 any subsequent changes in residence or registration to be
51 recorded with the highway patrol criminal information system.

52 6. The director of the department of public safety
53 shall design and distribute the registration forms required
54 by this section and shall provide any administrative
55 assistance needed to facilitate the provisions of this
56 section.

217.720. 1. At any time during release on parole or
2 conditional release the division of probation and parole may
3 issue a warrant for the arrest of a released offender for
4 violation of any of the conditions of parole or conditional
5 release. The warrant shall authorize any law enforcement
6 officer to return the offender to the actual custody of the
7 correctional center from which the offender was released, or
8 to any other suitable facility designated by the division.
9 If any parole or probation officer has probable cause to
10 believe that such offender has violated a condition of
11 parole or conditional release, the probation or parole
12 officer may issue a warrant for the arrest of the offender.
13 The probation or parole officer may effect the arrest or may
14 deputize any officer with the power of arrest to do so by
15 giving the officer a copy of the warrant which shall outline
16 the circumstances of the alleged violation and contain the
17 statement that the offender has, in the judgment of the
18 probation or parole officer, violated conditions of parole
19 or conditional release. The warrant delivered with the
20 offender by the arresting officer to the official in charge
21 of any facility designated by the division to which the
22 offender is brought shall be sufficient legal authority for
23 detaining the offender. After the arrest the parole or
24 probation officer shall present to the detaining authorities

25 a similar statement of the circumstances of violation.
26 Pending hearing as hereinafter provided, upon any charge of
27 violation, the offender shall remain in custody or
28 incarcerated without consideration of bail.

29 2. If the offender is arrested under the authority
30 granted in subsection 1 of this section **or under the**
31 **authority granted in section 217.723**, the offender shall
32 have the right to a preliminary hearing on the violation
33 charged unless the offender waives such hearing. Upon such
34 arrest and detention, the parole or probation officer shall
35 immediately notify the board and shall submit in writing a
36 report showing in what manner the offender has violated the
37 conditions of his parole or conditional release. The board
38 shall order the offender discharged from such facility,
39 require as a condition of parole or conditional release the
40 placement of the offender in a treatment center operated by
41 the department of corrections, or shall cause the offender
42 to be brought before it for a hearing on the violation
43 charged, under such rules and regulations as the board may
44 adopt. If the violation is established and found, the board
45 may continue or revoke the parole or conditional release, or
46 enter such other order as it may see fit. If no violation
47 is established and found, then the parole or conditional
48 release shall continue. If at any time during release on
49 parole or conditional release the offender is arrested for a
50 crime which later leads to conviction, and sentence is then
51 served outside the Missouri department of corrections, the
52 board shall determine what part, if any, of the time from
53 the date of arrest until completion of the sentence imposed
54 is counted as time served under the sentence from which the
55 offender was paroled or conditionally released.

56 3. An offender for whose return a warrant has been
57 issued by the division shall, if it is found that the
58 warrant cannot be served, be deemed to be a fugitive from
59 justice or to have fled from justice. If it shall appear
60 that the offender has violated the provisions and conditions
61 of his parole or conditional release, the board shall
62 determine whether the time from the issuing date of the
63 warrant to the date of his arrest on the warrant, or
64 continuance on parole or conditional release shall be
65 counted as time served under the sentence. In all other
66 cases, time served on parole or conditional release shall be
67 counted as time served under the sentence.

68 4. At any time during parole or probation, the
69 division may issue a warrant for the arrest of any person
70 from another jurisdiction, the visitation and supervision of
71 whom the division has undertaken pursuant to the provisions
72 of the interstate compact for the supervision of parolees
73 and probationers authorized in section 217.810, for
74 violation of any of the conditions of release, or a notice
75 to appear to answer a charge of violation. The notice shall
76 be served personally upon the person. The warrant shall
77 authorize any law enforcement officer to return the offender
78 to any suitable detention facility designated by the
79 division. Any parole or probation officer may arrest such
80 person without a warrant, or may deputize any other officer
81 with power of arrest to do so by issuing a written statement
82 setting forth that the defendant has, in the judgment of the
83 parole or probation officer, violated the conditions of his
84 release. The written statement delivered with the person by
85 the arresting officer to the official in charge of the
86 detention facility to which the person is brought shall be
87 sufficient legal authority for detaining him. After making

88 an arrest the parole or probation officer shall present to
89 the detaining authorities a similar statement of the
90 circumstances of violation.

217.722. 1. If any probation officer has probable
2 cause to believe that the person on probation has violated a
3 condition of probation, the probation officer may issue a
4 warrant for the arrest of the person on probation. The
5 officer may effect the arrest or may deputize any other
6 officer with the power of arrest to do so by giving the
7 officer a copy of the warrant which will outline the
8 circumstances of the alleged violation and contain the
9 statement that the person on probation has, in the judgment
10 of the probation officer, violated the conditions of
11 probation. The warrant delivered with the offender by the
12 arresting officer to the official in charge of any jail or
13 other detention facility shall be sufficient authority for
14 detaining the person on probation pending a preliminary
15 hearing on the alleged violation. Other provisions of law
16 relating to release on bail of persons charged with criminal
17 offenses shall be applicable to persons detained on alleged
18 probation violations.

19 2. Any person on probation arrested under the
20 authority granted in subsection 1 of this section **or under**
21 **the authority granted in section 217.723** shall have the
22 right to a preliminary hearing on the violation charged as
23 long as the person on probation remains in custody or unless
24 the offender waives such hearing. The person on probation
25 shall be notified immediately in writing of the alleged
26 probation violation. If arrested in the jurisdiction of the
27 sentencing court, and the court which placed the person on
28 probation is immediately available, the preliminary hearing
29 shall be heard by the sentencing court. Otherwise, the

30 person on probation shall be taken before a judge or
31 associate circuit judge in the county of the alleged
32 violation or arrest having original jurisdiction to try
33 criminal offenses or before an impartial member of the staff
34 of the division of probation and parole, and the preliminary
35 hearing shall be held as soon as possible after the arrest.
36 Such preliminary hearings shall be conducted as provided by
37 rule of court or by rules of the parole board. If it
38 appears that there is probable cause to believe that the
39 person on probation has violated a condition of probation,
40 or if the person on probation waives the preliminary
41 hearing, the judge or associate circuit judge, or member of
42 the staff of the division of probation and parole shall
43 order the person on probation held for further proceedings
44 in the sentencing court. If probable cause is not found,
45 the court shall not be barred from holding a hearing on the
46 question of the alleged violation of a condition of
47 probation nor from ordering the person on probation to be
48 present at such a hearing.

49 3. Upon such arrest and detention, the probation
50 officer shall immediately notify the sentencing court and
51 shall submit to the court a written report showing in what
52 manner the person on probation has violated the conditions
53 of probation. Thereupon, or upon arrest by warrant, the
54 court shall cause the person on probation to be brought
55 before it without unnecessary delay for a hearing on the
56 violation charged. Revocation hearings shall be conducted
57 as provided by rule of court.

**217.723. Notwithstanding any provision of law to the
2 contrary, any probation or parole officer or law enforcement
3 officer with power of arrest may arrest a probationer or
4 parolee without a warrant if the probationer or parolee**

5 violates the conditions of probation or parole in the
6 presence of the arresting officer. The arresting officer,
7 or his or her agency, as soon as practicable, but no later
8 than twenty-four hours following the arrest, shall notify
9 the board of probation and parole of the probationer or
10 parolee's arrest. The probationer or parolee may be
11 detained in the county jail or other appropriate place of
12 detention until the probationer or parolee is brought before
13 the court as provided under subsection 2 of section 217.720
14 or under subsection 2 of section 217.722.

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