

FIRST REGULAR SESSION

SENATE BILL NO. 384

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOWARD.

Read 1st time February 1, 1999, and 1,000 copies ordered printed.

S1688.011

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 217.262, RSMo Supp. 1998, relating to the department of corrections, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 217.262, RSMo Supp. 1998, is repealed and one new section enacted in lieu thereof, to be known as section 217.262, to read as follows:

217.262. 1. An additional sixty days shall be added to the time that an offender is first eligible for parole consideration hearing or a sum of up to fifty percent of the average balance of the offender's account for any portion of the preceding twelve months during which the offender's account had a positive balance, shall be deducted from an offender's account for each instance that a court finds that the offender has done any of the following while in the custody of the department:

- (1) Filed a false, frivolous or malicious action or claim with the court;
- (2) Brought an action or claim with the court solely or primarily for delay or harassment;
- (3) Unreasonably expanded or delayed a judicial proceeding;
- (4) Testified falsely or otherwise submitted false evidence or information to the court;
- (5) Attempted to create or obtain a false affidavit, testimony, or evidence; or
- (6) Abused the discovery process in any judicial action or proceeding.

2. An additional sixty days shall be added to the time that an offender is first eligible for parole consideration hearing or a sum of up to fifty percent of the average balance of the offender's account for any portion of the preceding twelve months during which the offender's account had a positive balance, shall be deducted

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

from an offender's account for each instance that a licensing board or the administrative hearing commission finds that the offender:

(1) Filed a false, frivolous or malicious complaint with the licensing board against any physician licensed pursuant to chapter 330, RSMo, chapter 331, RSMo, or chapter 334, RSMo, or against any nurse licensed pursuant to chapter 335, RSMo, while in the custody of the department; or

(2) Filed a complaint with the licensing board solely or primarily for the purpose of harassment.

[2.] **3.** The department of corrections may promulgate rules in accordance with section 217.040 providing that the conduct described in subdivisions (1) to (6) of subsection 1 of this section **or subsection 2 of this section** shall be a conduct violation and subject an offender to discipline.

[3.] **4.** The maximum term of imprisonment of an offender as imposed by the sentencing court shall not be extended by the provisions of subsection 1 **or 2** of this section.

[4.] **5.** In no instance shall the balance of an offender's account be reduced to an amount less than ten dollars pursuant to this section. The amount due pursuant to subsection 1 **or 2** of this section may be deducted from any compensation payable or later paid to the offender, or from any other property belonging to the offender in the custody and control of the department.

Bill ✓

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