

HB 1708 -- PROBATION EARNED DISCHARGE

SPONSOR: Roberts

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Corrections and Public Institutions by a vote of 10 to 0.

This bill authorizes the Division of Probation and Parole within the Department of Corrections to discharge specified offenders who have served at least 24 months of a probation term, who are compliant with supervision ordered by the court, who have paid restitution owed in full, and who are not on probation for a class A or B felony or subject to lifetime supervision. An earned compliance credit system currently in law is repealed and replaced by the earned discharge provisions of the bill.

Notice of proposed earned discharge shall be filed and provided to the prosecuting or circuit attorney. The prosecuting or circuit attorney may request a hearing within 30 days of filing to oppose discharge. If a hearing is requested, the court shall hold it and issue an order no later than 60 days from filing. If a hearing is not requested, then the court shall order discharge within 60 days of filing of notification of earned discharge, but no earlier than 30 days from such filing.

This bill is similar to HCS HB 745 (2021).

PROPOSERS: Supporters say that the current system of earned credits is unclear and results in litigation and disparities in treatment. The bill will replace a complex system with a clear date for discharge from probation and court supervision. The bill may relieve burdens on the probation system. Prosecutors and courts are provided notice and an opportunity to oppose discharge in particular cases. Most first time offenders can be rehabilitated and discharged within two years.

Testifying for the bill were Representative Roberts; Missouri Association of Prosecuting Attorneys; Missouri Office of Prosecution Services; Adam Albach, Department Of Corrections; John Mosley, Missouri Department of Corrections, Division of Probation and Parole.

OPPOSERS: Those who oppose the bill provided written testimony.

Testifying against the bill were Arnie C. AC Dienoff; and the Justice Action Network.

OTHERS: Others testifying on the bill say

Testifying on the bill was Mary Fox, Missouri State Public Defender.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.