

FIRST REGULAR SESSION

HOUSE BILL NO. 1038

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FRANKS JR.

2081H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 558.041, RSMo, and to enact in lieu thereof one new section relating to good time credit.

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

Section A. Section 558.041, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 558.041, to read as follows:

558.041. 1. Any offender committed to the department of corrections, except those persons committed pursuant to subsection 7 of section 558.016, or subsection 3 of section 566.125, ~~[may]~~ **shall** receive additional credit in terms of days spent in confinement ~~[upon recommendation for such credit by the offender's institutional superintendent when]~~ **if** the offender meets the requirements for such credit as provided in subsections 3 ~~[and]~~ **, 4, 6, and 8** of this section. Good time credit may be rescinded by the director or his or her designee pursuant to the divisional policy issued pursuant to subsection 3 of this section.

2. Any credit extended to an offender shall only apply to the sentence which the offender is currently serving.

3. **(1)** The director of the department of corrections shall issue a policy for awarding credit. The policy ~~[may]~~ **shall** reward an ~~[inmate]~~ **offender** who has served his or her sentence in an orderly and peaceable manner and has taken advantage of the **work and** rehabilitation programs available to him or her. Any violation of **major** institutional rules ~~[or]~~ **, the laws of** this state, **or the accumulation of minor violations exceeding six within a calendar year** may result in the loss of all or a portion of any credit earned by the ~~[inmate]~~ **offender** pursuant to this section.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **(2) Earned credits lost for a violation of institutional rules or laws of this state may**
18 **be restored as provided by the department's policy.**

19 **(3) Earned credits from previous years shall not be lost.**

20 4. **(1) The department shall cause the policy to be published in the code of state**
21 **regulations.**

22 **(2) Subject to the provisions of subsection 6 of this section, the department shall**
23 **adopt rules that specify the programs or activities for which credit may be earned under**
24 **this section, the criteria for determining productive participation in, or completion of, the**
25 **programs or activities and the criteria for awarding credit, including criteria for awarding**
26 **additional credit for successful program or activity completion, and the criteria for**
27 **withdrawing previously earned credit as a result of a violation of institutional rules and**
28 **laws of this state.**

29 5. ~~[No rule or portion of a rule promulgated under the authority of this chapter shall~~
30 ~~become effective unless it has been promulgated pursuant to the provisions of section 536.024.]~~

31 **(1) No person committed to the department and is sentenced to death shall be eligible for**
32 **good time credit.**

33 **(2) Notwithstanding any provision of law:**

34 **(a) Offenders serving life without parole under section 565.020 shall be calculated**
35 **as fifty years and credit earned shall be deducted from such term under this section;**

36 **(b) Offenders serving life without parole on or after August 28, 1994, and under**
37 **section 565.020 shall be calculated as thirty years.**

38 6. **(1) Each offender shall receive a deduction from his or her sentence by being**
39 **awarded the following specified monthly credits:**

40 **(a) Every offender who participates in any work program, credit earned shall be**
41 **fifteen days for every months' work performed by such offender;**

42 **(b) For the offender's successful completion of high school and who has obtained**
43 **his or her diploma or equivalent general education diploma, credit earned shall be ninety**
44 **days;**

45 **(c) For the offender's successful completion of an alcohol or drug abuse treatment**
46 **program, credit earned shall be ninety days;**

47 **(d) For the offender's successful completion of each restorative justice program,**
48 **credit earned shall be ninety days;**

49 **(e) For the offender's successful completion of each mental health or rehabilitation**
50 **program not specified in this section, credit earned shall be ninety days;**

51 **(f) For the offender's successful completion of vocational training, credit earned**
52 **shall be ninety days; and**

53 **(g) For the offender's successful completion of other educational accomplishments**
54 **or other programs not specified in this section, credit earned shall be ninety days.**

55 **(2) For purposes of this subsection, "credit earned" means good time credit**
56 **awarded to an offender and each credit shall be calculated to be a period of one day.**

57 **(3) An offender who has successfully completed any of the programs under**
58 **subdivision (1) of this subsection prior to August 28, 2017, shall be awarded credit or**
59 **credits as outlined under this subsection and upon proper verification of programs**
60 **completed.**

61 **7. The accumulated credit of every offender shall be tallied monthly and**
62 **maintained by the institution where the term of imprisonment is being served. A record**
63 **of such credit accumulated shall be:**

64 **(1) Sent to the records office of the department on a quarterly basis;**

65 **(2) Forwarded to the division of probation and parole; and**

66 **(3) Provided to the offender.**

67 **8. The provisions of this section shall only apply to offenses occurring after January**
68 **1, 1979.**

69 **9. The department of corrections shall promulgate rules to implement the**
70 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**
71 **536.010, that is created under the authority delegated in this section shall become effective**
72 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**
73 **applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of**
74 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
75 **the effective date, or to disapprove and annul a rule are subsequently held**
76 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
77 **after August 28, 2017, shall be invalid and void.**

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