

FIRST REGULAR SESSION

HOUSE BILL NO. 1299

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KNIGHT.

2421H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 476, RSMo, by adding thereto one new section relating to electronic monitoring.

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

Section A. Chapter 476, RSMo, is amended by adding thereto one new section, to be known as section 476.1005, to read as follows:

476.1005. 1. Electronic monitoring shall include global positioning systems (GPS) and alcohol monitoring.

2. Electronic monitoring service providers and their subcontractors shall be approved by the office of state courts administrator and shall meet the following requirements:

(1) Employees of electronic monitoring service providers and their subcontractors shall complete a criminal background check through the Missouri automated criminal history system (MACHS) and register with the family care safety registry (FCSR). A list of all employees shall be submitted to the office of state courts administrator and updated on a monthly basis;

(2) Electronic monitoring service providers and their subcontractors shall submit an ACORD certificate of insurance reflecting general liability of one million dollars for each occurrence and two million dollars in the aggregate and workers' compensation insurance, and such providers and subcontractors shall list each county served and any officeholder and employee as an additional insured;

(3) Electronic monitoring service providers and their subcontractors shall not be licensed bail bond agents; and

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.

18 (4) Electronic monitoring service providers and their subcontractors shall abide by
19 the office of state courts administrator's code of ethics.

20 3. Electronic monitoring service providers and their subcontractors utilizing GPS
21 shall:

22 (1) Dispatch 911 immediately after an exclusion zone alert is active for more than
23 three minutes and request a well-being check at the address of the exclusion zone entered;

24 (2) Dispatch 911 immediately after a strap tamper or device tamper alert and
25 request a well-being check of victim or the exclusion zone address;

26 (3) Receive exclusion zones from the court or prosecuting attorney's office prior to
27 installing the GPS;

28 (4) Utilize GPS monitoring equipment that:

29 (a) Is capable of continuously monitoring all relevant activity of the participant and
30 any exclusion or inclusion zones;

31 (b) Is capable of sending location information at increments of no less than one
32 minute;

33 (c) Is constructed of material that will indicate a tamper; and

34 (d) Has tamper-notification capabilities.

35 4. Alcohol monitoring electronic service providers and their subcontractors shall
36 utilize alcohol monitoring equipment that is:

37 (1) Capable of determining the presence of alcohol, regardless of amount. Such
38 equipment shall determine if the presence of alcohol is due to an environmental exposure
39 or consumption of alcohol; and

40 (2) Constructed of material that will indicate a tamper.

41 5. A written violation report shall be provided to the court and prosecuting
42 attorney's office within twelve hours of the violation or at the opening of the next business
43 day. All violation reports shall include:

44 (1) The name of the defendant and the case number;

45 (2) The exact time of the violation;

46 (3) The exact location of the violation; and

47 (4) The nature of the violation.

48 6. The office of state courts administrator shall maintain a list of approved
49 electronic monitoring service providers and their subcontractors and make such list
50 available to all Missouri courts and prosecutors.

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