

SECOND REGULAR SESSION

HOUSE BILL NO. 1639

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TERRY.

3638H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 217 and 557, RSMo, by adding thereto two new sections relating to confinement in a motivational boot camp.

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

Section A. Chapters 217 and 557, RSMo, are amended by adding thereto two new sections, to be known as sections 217.1250 and 557.530, to read as follows:

217.1250. 1. **The department of corrections shall establish a boot camp incarceration program for persons sentenced under section 557.530, to be known as the "Motivational Boot Camp Incarceration Program".**

2. **For purposes of this section, the following terms mean:**

(1) **"Department", the department of corrections;**

(2) **"Eligible inmate", a person seventeen years of age or older and younger than twenty-two years of age who is sentenced to the program as provided under section 557.530;**

(3) **"Motivational boot camp", an incarceration program in which eligible inmates participate for a period of two years in a humane program that provides for rigorous physical activity and intensive regimentation and discipline;**

(4) **"Program", the motivational boot camp incarceration program established under this section.**

3. **The program shall include:**

(1) **As a major component, a strong emphasis on work, physical activity, physical conditioning, and good health practices;**

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) A strong emphasis on intensive counseling and treatment programming**
18 **designed to correct criminal and other maladaptive thought process and behavior**
19 **patterns and to instill self-discipline and self-motivation;**

20 **(3) A detailed, clearly written explanation of program goals, objectives, rules,**
21 **and criteria that shall be provided to, read by, and signed by all enrollees; and**

22 **(4) An enrollment period of two years.**

23 **4. The department of corrections shall promulgate all necessary rules and**
24 **regulations for the implementation and administration of the program. Any rule or**
25 **portion of a rule, as that term is defined in section 536.010, that is created under the**
26 **authority delegated in this section shall become effective only if it complies with and is**
27 **subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This**
28 **section and chapter 536 are nonseverable and if any of the powers vested with the**
29 **general assembly pursuant to chapter 536 to review, to delay the effective date, or to**
30 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**
31 **rulemaking authority and any rule proposed or adopted after August 28, 2024, shall be**
32 **invalid and void.**

557.530. 1. Any person who is seventeen years of age or older and under twenty-
2 **two years of age and who has had two prior convictions for nonviolent criminal offenses**
3 **may upon a third conviction involving a nonviolent criminal offense be sentenced to the**
4 **motivational boot camp incarceration program established under section 217.1250 in**
5 **lieu of a jail or prison sentence.**

6 **2. A person sentenced to the motivational boot camp incarceration program**
7 **under subsection 1 of this section shall be enrolled in the motivational boot camp**
8 **incarceration program for a period of two years. The time shall begin upon the initial**
9 **confinement in the program.**

10 **3. Before a court may place a person in the motivational boot camp**
11 **incarceration program, an initial investigation shall be completed by an officer**
12 **indicating that the:**

13 **(1) Person is qualified for placement in the motivational boot camp**
14 **incarceration program and the person does not appear to be physically or mentally**
15 **disabled in a way that would prevent the person from performing strenuous physical**
16 **activity;**

17 **(2) Person has no obvious contagious diseases;**

18 **(3) Person is not under seventeen years of age or is not twenty-two years of age**
19 **or older at the time of sentencing; and**

20 **(4) Department of corrections has granted provisional approval of the placement**
21 **of the person in the motivational boot camp incarceration program.**

22 **4. The court shall direct the department of corrections to arrange with the**
23 **sheriff's department in the county of incarceration to have the person delivered to the**
24 **boot camp within a specific date that is not more than fifteen days after the issuance of**
25 **the order for placement in the motivational boot camp incarceration program.**

26 **5. At any time during the person's confinement in the motivational boot camp**
27 **incarceration program, but at least five days prior to the person's expected date of**
28 **release, the department of corrections shall certify to the court as to whether the person**
29 **has satisfactorily completed the motivational boot camp incarceration program.**

30 **6. Upon receipt of a satisfactory report of performance in the motivational boot**
31 **camp incarceration program from the department of corrections, the court shall release**
32 **the person from confinement, and, notwithstanding any provision of law, the offense for**
33 **which the person was sentenced to the boot camp may be expunged from the person's**
34 **criminal record.**

35 **7. Receipt of an unsatisfactory report shall be grounds for the court to impose**
36 **the jail or prison sentence for the offense in which the person was convicted.**

37 **8. If the person convicted indicates that he or she does not want to be sentenced**
38 **to the motivational boot camp incarceration program or the person is not eligible to be**
39 **sentenced to the motivational boot camp incarceration program, the court may sentence**
40 **the person to jail or prison time as provided by law.**

41 **9. As used in this section, "nonviolent criminal offense" means any offense that**
42 **is not murder in the first or second degree, involuntary manslaughter, involuntary**
43 **manslaughter in the first or second degree, kidnapping, kidnapping in the first degree,**
44 **rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy,**
45 **robbery in the first degree, or assault in the first degree.**

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