

SECOND REGULAR SESSION

HOUSE BILL NO. 1708

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROBERTS.

3272H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 217.147, 217.703, 559.016, 559.036, and 559.115, RSMo, and to enact in lieu thereof four new sections relating to probation.

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

Section A. Sections 217.147, 217.703, 559.016, 559.036, and 559.115, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be known as sections 217.147,
3 559.016, 559.036, and 559.115, to read as follows:

217.147. 1. There is hereby created the "Sentencing and Corrections Oversight
2 Commission". The commission shall be composed of thirteen members as follows:

3 (1) A circuit court judge to be appointed by the chief justice of the Missouri supreme
4 court;

5 (2) Three members to be appointed by the governor with the advice and consent of
6 the senate, one of whom shall be a victim's advocate, one of whom shall be a representative
7 from the Missouri Sheriffs' Association, and one of whom shall be a representative of the
8 Missouri Association of Counties;

9 (3) The following shall be ex officio, voting members:

10 (a) The chair of the senate judiciary committee, or any successor committee that
11 reviews legislation involving crime and criminal procedure, who shall serve as co-chair of the
12 commission and the ranking minority member of such senate committee;

13 (b) The chair of the appropriations-public safety and corrections committee of the
14 house of representatives, or any successor committee that reviews similar legislation, who
15 shall serve as co-chair and the ranking minority member of such house committee;

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.

16 (c) The director of the Missouri state public defender system, or his or her designee
17 who is a practicing public defender;

18 (d) The executive director of the Missouri office of prosecution services, or his or her
19 designee who is a practicing prosecutor;

20 (e) The director of the department of corrections, or his or her designee;

21 (f) The chairman of the board of probation and parole, or his or her designee;

22 (g) The chief justice of the Missouri supreme court, or his or her designee.

23 2. Beginning with the appointments made after August 28, 2012, the circuit court
24 judge member shall be appointed for four years, two of the members appointed by the
25 governor shall be appointed for three years, and one member appointed by the governor shall
26 be appointed for two years. Thereafter, the members shall be appointed to serve four-year
27 terms and shall serve until a successor is appointed. A vacancy in the office of a member
28 shall be filled by appointment for the remainder of the unexpired term.

29 3. The co-chairs are responsible for establishing and enforcing attendance and voting
30 rules, bylaws, and the frequency, location, and time of meetings, and distributing meeting
31 notices, except that the commission's first meeting shall occur by February 28, 2013, and the
32 commission shall meet at least twice each calendar year.

33 4. The duties of the commission shall include:

34 (1) Monitoring and assisting the implementation of [~~sections 217.703,~~] **section**
35 217.718[~~7~~] and subsection [4] 6 of section 559.036[~~7~~] and evaluating recidivism reductions,
36 cost savings, and other effects resulting from the implementation;

37 (2) Determining ways to reinvest any cost savings to pay for the continued
38 implementation of the sections listed in subdivision (1) of this subsection and other evidence-
39 based practices for reducing recidivism; and

40 (3) Examining the issue of restitution for crime victims, including the amount ordered
41 and collected annually, methods and costs of collection, and restitution's order of priority in
42 official procedures and documents.

43 5. The department, board, and office of state courts administrator shall collect and
44 report any data requested by the commission in a timely fashion.

45 6. The commission shall issue a report to the speaker of the house of representatives,
46 senate president pro tempore, chief justice of the Missouri supreme court, and governor on
47 December 31, 2013, and annually thereafter, detailing the effects of the sections listed in
48 subdivision (1) of subsection 4 **of this section** and providing the data and analysis
49 demonstrating those effects. The report may also recommend ways to reinvest any cost
50 savings into evidence-based practices to reduce recidivism and possible changes to sentencing
51 and corrections policies and statutes.

52 7. The department of corrections shall provide administrative support to the
53 commission to carry out the duties of this section.

54 8. No member shall receive any compensation for the performance of official duties,
55 but the members who are not otherwise reimbursed by their agency shall be reimbursed for
56 travel and other expenses actually and necessarily incurred in the performance of their duties.

57 9. The provisions of this section shall automatically expire on August 28, 2018.

 559.016. 1. Unless terminated ~~[as provided in]~~ **or modified under** section 559.036
2 ~~[or modified under section 217.703]~~, the terms during which each probation shall remain
3 conditional and be subject to revocation are:

4 (1) A term of years not less than one year and not to exceed five years for a felony;

5 (2) A term not less than six months and not to exceed two years for a misdemeanor;

6 (3) A term not less than six months and not to exceed one year for an infraction.

7 2. The court shall designate a specific term of probation at the time of sentencing or at
8 the time of suspension of imposition of sentence. ~~[Such term may be modified by the division
9 of probation and parole under section 217.703.]~~

10 3. The court may extend a period of probation, however, no more than one extension
11 of any probation may be ordered except that the court may extend the total time on probation
12 by one additional year by order of the court if the defendant admits he or she has violated the
13 conditions of his or her probation or is found by the court to have violated the conditions of
14 his or her probation. Total time on any probation term, including any extension, shall not
15 exceed the maximum term as established in subsection 1 of this section plus one additional
16 year if the defendant admits or the court finds that the defendant has violated the conditions of
17 his or her probation.

 559.036. 1. A term of probation commences on the day it is imposed. Multiple terms
2 of Missouri probation, whether imposed at the same time or at different times, shall run
3 concurrently. Terms of probation shall also run concurrently with any federal or other state
4 jail, prison, probation or parole term for another offense to which the defendant is or becomes
5 subject during the period, unless otherwise specified by the Missouri court.

6 2. The court may terminate a period of probation and discharge the defendant at any
7 time before completion of the specific term fixed under section 559.016 if warranted by the
8 conduct of the defendant and the ends of justice.

9 **3. (1) The division of probation and parole may file a notification of earned**
10 **discharge from probation with the court for any defendant who has completed at least**
11 **twenty-four months of the probation term and is compliant with the terms of**
12 **supervision as ordered by the court and division. The division shall not file a**
13 **notification of earned discharge for any defendant who has not paid ordered restitution**
14 **in full, is on a term of probation for any class A or class B felony, or is subject to lifetime**

15 supervision under sections 217.735 and 559.106. The division shall notify the
16 prosecuting or circuit attorney when a notification of earned discharge is filed.

17 (2) The prosecuting or circuit attorney may request a hearing within thirty days
18 of the filing on the notification of earned discharge from probation. If the state opposes
19 the discharge of the defendant, the prosecuting or circuit attorney shall argue the
20 earned discharge is not appropriate and the offender should continue to serve the
21 probation term.

22 (3) If a hearing is requested, the court shall hold the hearing and issue its order
23 no later than sixty days after the filing of the notification of earned discharge from
24 probation. If, after a hearing, the court finds by a preponderance of the evidence that
25 the earned discharge is not appropriate, the court shall order the probation term
26 continue, may modify the conditions of probation as appropriate, and may order the
27 continued supervision of the defendant by either the division of probation and parole or
28 the court. If, after a hearing, the court finds that the earned discharge is appropriate,
29 the court shall order the defendant discharged from probation.

30 (4) If the prosecuting or circuit attorney does not request a hearing, the court
31 shall order the defendant discharged from probation within sixty days of the filing of the
32 notification of earned discharge from probation, but no earlier than thirty days after the
33 filing of the notification of earned discharge from probation.

34 4. The court may extend the term of the probation, but no more than one extension of
35 any probation may be ordered except that the court may extend the term of probation by one
36 additional year by order of the court if the defendant admits he or she has violated the
37 conditions of probation or is found by the court to have violated the conditions of his or her
38 probation. Total time on any probation term, including any extension shall not exceed the
39 maximum term established in section 559.016. Procedures for termination, discharge and
40 extension may be established by rule of court.

41 ~~[3-]~~ 5. If the defendant violates a condition of probation at any time prior to the
42 expiration or termination of the probation term, the court may continue him or her on the
43 existing conditions, with or without modifying or enlarging the conditions or extending the
44 term.

45 ~~[4-]~~ 6. (1) Unless the defendant consents to the revocation of probation, if a
46 continuation, modification, enlargement or extension is not appropriate under this section, the
47 court shall order placement of the offender in one of the department of corrections' one
48 hundred twenty-day programs so long as:

49 (a) The underlying offense for the probation is a class D or E felony or an offense
50 listed in chapter 579 or an offense previously listed in chapter 195; except that, the court may,
51 upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that an

52 offender is not eligible if the underlying offense is involuntary manslaughter in the second
53 degree, stalking in the first degree, assault in the second degree, sexual assault, rape in the
54 second degree, domestic assault in the second degree, assault in the third degree when the
55 victim is a special victim, statutory rape in the second degree, statutory sodomy in the second
56 degree, deviate sexual assault, sodomy in the second degree, sexual misconduct involving a
57 child, incest, endangering the welfare of a child in the first degree under subdivision (1) or (2)
58 of subsection 1 of section 568.045, abuse of a child, invasion of privacy, any case in which
59 the defendant is found guilty of a felony offense under chapter 571, or an offense of
60 aggravated stalking or assault of a law enforcement officer in the second degree as such
61 offenses existed prior to January 1, 2017;

62 (b) The probation violation is not the result of the defendant being an absconder or
63 being found guilty of, pleading guilty to, or being arrested on suspicion of any felony,
64 misdemeanor, or infraction. For purposes of this subsection, "absconder" shall mean an
65 offender under supervision who has left such offender's place of residency without the
66 permission of the offender's supervising officer for the purpose of avoiding supervision;

67 (c) The defendant has not violated any conditions of probation involving the
68 possession or use of weapons, or a stay-away condition prohibiting the defendant from
69 contacting a certain individual; and

70 (d) The defendant has not already been placed in one of the programs by the court for
71 the same underlying offense or during the same probation term.

72 (2) Upon receiving the order, the department of corrections shall conduct an
73 assessment of the offender and place such offender in the appropriate one hundred twenty-day
74 program under subsection 3 of section 559.115.

75 (3) Notwithstanding any of the provisions of subsection 3 of section 559.115 to the
76 contrary, once the defendant has successfully completed the program under this subsection,
77 the court shall release the defendant to continue to serve the term of probation, which shall
78 not be modified, enlarged, or extended based on the same incident of violation. Time served
79 in the program shall be credited as time served on any sentence imposed for the underlying
80 offense.

81 ~~[5-]~~ 7. If the defendant consents to the revocation of probation or if the defendant is
82 not eligible under subsection ~~[4]~~ 6 of this section for placement in a program and a
83 continuation, modification, enlargement, or extension of the term under this section is not
84 appropriate, the court may revoke probation and order that any sentence previously imposed
85 be executed. If imposition of sentence was suspended, the court may revoke probation and
86 impose any sentence available under section 557.011. The court may mitigate any sentence
87 of imprisonment by reducing the prison or jail term by all or part of the time the defendant
88 was on probation. The court may, upon revocation of probation, place an offender on a

89 second term of probation. Such probation shall be for a term of probation as provided by
90 section 559.016, notwithstanding any amount of time served by the offender on the first term
91 of probation.

92 ~~[6-]~~ **8.** Probation shall not be revoked without giving the probationer notice and an
93 opportunity to be heard on the issues of whether such probationer violated a condition of
94 probation and, if a condition was violated, whether revocation is warranted under all the
95 circumstances. Not less than five business days prior to the date set for a hearing on the
96 violation, except for a good cause shown, the judge shall inform the probationer that he or she
97 may have the right to request the appointment of counsel if the probationer is unable to retain
98 counsel. If the probationer requests counsel, the judge shall determine whether counsel is
99 necessary to protect the probationer's due process rights. If the judge determines that counsel
100 is not necessary, the judge shall state the grounds for the decision in the record.

101 ~~[7-]~~ **9.** The prosecuting or circuit attorney may file a motion to revoke probation or at
102 any time during the term of probation, the court may issue a notice to the probationer to
103 appear to answer a charge of a violation, and the court may issue a warrant of arrest for the
104 violation. Such notice shall be personally served upon the probationer. The warrant shall
105 authorize the return of the probationer to the custody of the court or to any suitable detention
106 facility designated by the court. Upon the filing of the prosecutor's or circuit attorney's
107 motion or on the court's own motion, the court may immediately enter an order suspending
108 the period of probation and may order a warrant for the defendant's arrest. The probation
109 shall remain suspended until the court rules on the prosecutor's or circuit attorney's motion, or
110 until the court otherwise orders the probation reinstated.

111 ~~[8-]~~ **10.** The power of the court to revoke probation shall extend for the duration of the
112 term of probation designated by the court and for any further period which is reasonably
113 necessary for the adjudication of matters arising before its expiration, provided that some
114 affirmative manifestation of an intent to conduct a revocation hearing occurs prior to the
115 expiration of the period and that every reasonable effort is made to notify the probationer and
116 to conduct the hearing prior to the expiration of the period.

117 ~~[9-]~~ **11.** A defendant who was sentenced prior to January 1, 2017 to an offense that
118 was eligible at the time of sentencing under paragraph (a) of subdivision (1) of subsection ~~[4]~~
119 **6** of this section for the court ordered detention sanction shall continue to remain eligible for
120 the sanction so long as the defendant meets all the other requirements provided under
121 subsection ~~[4]~~ **6** of this section.

559.115. 1. Neither probation nor parole shall be granted by the circuit court between
2 the time the transcript on appeal from the offender's conviction has been filed in appellate
3 court and the disposition of the appeal by such court.

4 2. Unless otherwise prohibited by subsection 8 of this section, a circuit court only
5 upon its own motion and not that of the state or the offender shall have the power to grant
6 probation to an offender anytime up to one hundred twenty days after such offender has been
7 delivered to the department of corrections but not thereafter. The court may request
8 information and a recommendation from the department concerning the offender and such
9 offender's behavior during the period of incarceration. Except as provided in this section, the
10 court may place the offender on probation in a program created pursuant to section 217.777,
11 or may place the offender on probation with any other conditions authorized by law.

12 3. The court may recommend placement of an offender in a department of corrections
13 one hundred twenty-day program under this subsection or order such placement under
14 subsection [4] 6 of section 559.036. Upon the recommendation or order of the court, the
15 department of corrections shall assess each offender to determine the appropriate one hundred
16 twenty-day program in which to place the offender, which may include placement in the
17 shock incarceration program or institutional treatment program. When the court recommends
18 and receives placement of an offender in a department of corrections one hundred twenty-day
19 program, the offender shall be released on probation if the department of corrections
20 determines that the offender has successfully completed the program except as follows. Upon
21 successful completion of a program under this subsection, the division of probation and
22 parole shall advise the sentencing court of an offender's probationary release date thirty days
23 prior to release. The court shall follow the recommendation of the department unless the
24 court determines that probation is not appropriate. If the court determines that probation is
25 not appropriate, the court may order the execution of the offender's sentence only after
26 conducting a hearing on the matter within ninety to one hundred twenty days from the date
27 the offender was delivered to the department of corrections. If the department determines the
28 offender has not successfully completed a one hundred twenty-day program under this
29 subsection, the offender shall be removed from the program and the court shall be advised of
30 the removal. The department shall report on the offender's participation in the program and
31 may provide recommendations for terms and conditions of an offender's probation. The court
32 shall then have the power to grant probation or order the execution of the offender's sentence.

33 4. If the court is advised that an offender is not eligible for placement in a one
34 hundred twenty-day program under subsection 3 of this section, the court shall consider other
35 authorized dispositions. If the department of corrections one hundred twenty-day program
36 under subsection 3 of this section is full, the court may place the offender in a private program
37 approved by the department of corrections or the court, the expenses of such program to be
38 paid by the offender, or in an available program offered by another organization. If the
39 offender is convicted of a class C, class D, or class E nonviolent felony, the court may order
40 probation while awaiting appointment to treatment.

41 5. Except when the offender has been found to be a predatory sexual offender
42 pursuant to section 566.125, the court shall request the department of corrections to conduct a
43 sexual offender assessment if the defendant has been found guilty of sexual abuse when
44 classified as a class B felony. Upon completion of the assessment, the department shall
45 provide to the court a report on the offender and may provide recommendations for terms and
46 conditions of an offender's probation. The assessment shall not be considered a one hundred
47 twenty-day program as provided under subsection 3 of this section. The process for granting
48 probation to an offender who has completed the assessment shall be as provided under
49 subsections 2 and 6 of this section.

50 6. Unless the offender is being granted probation pursuant to successful completion of
51 a one hundred twenty-day program the circuit court shall notify the state in writing when the
52 court intends to grant probation to the offender pursuant to the provisions of this section. The
53 state may, in writing, request a hearing within ten days of receipt of the court's notification
54 that the court intends to grant probation. Upon the state's request for a hearing, the court shall
55 grant a hearing as soon as reasonably possible. If the state does not respond to the court's
56 notice in writing within ten days, the court may proceed upon its own motion to grant
57 probation.

58 7. An offender's first incarceration under this section prior to release on probation
59 shall not be considered a previous prison commitment for the purpose of determining a
60 minimum prison term under the provisions of section 558.019.

61 8. Notwithstanding any other provision of law, probation may not be granted pursuant
62 to this section to offenders who have been convicted of murder in the second degree pursuant
63 to section 565.021; forcible rape pursuant to section 566.030 as it existed prior to August 28,
64 2013; rape in the first degree under section 566.030; forcible sodomy pursuant to section
65 566.060 as it existed prior to August 28, 2013; sodomy in the first degree under section
66 566.060; statutory rape in the first degree pursuant to section 566.032; statutory sodomy in
67 the first degree pursuant to section 566.062; child molestation in the first degree pursuant to
68 section 566.067 when classified as a class A felony; abuse of a child pursuant to section
69 568.060 when classified as a class A felony; or an offender who has been found to be a
70 predatory sexual offender pursuant to section 566.125; or any offense in which there exists a
71 statutory prohibition against either probation or parole.

2 ~~[217.703. 1. The division of probation and parole shall award earned
compliance credits to any offender who is:~~

3 ~~(1) Not subject to lifetime supervision under sections 217.735 and
4 559.106 or otherwise found to be ineligible to earn credits by a court pursuant
5 to subsection 2 of this section;~~

6 ~~(2) On probation, parole, or conditional release for an offense listed in
7 chapter 579, or an offense previously listed in chapter 195, or for a class D or~~

8 ~~E felony, excluding sections 565.225, 565.252, 566.031, 566.061, 566.083,~~
 9 ~~566.093, 568.020, 568.060, offenses defined as sexual assault under section~~
 10 ~~589.015, deviate sexual assault, assault in the second degree under subdivision~~
 11 ~~(2) of subsection 1 of section 565.052, endangering the welfare of a child in~~
 12 ~~the first degree under subdivision (2) of subsection 1 of section 568.045, and~~
 13 ~~any offense of aggravated stalking or assault in the second degree under~~
 14 ~~subdivision (2) of subsection 1 of section 565.060 as such offenses existed~~
 15 ~~prior to January 1, 2017;~~

16 ~~(3) Supervised by the division of probation and parole; and~~
 17 ~~(4) In compliance with the conditions of supervision imposed by the~~
 18 ~~sentencing court or board.~~

19 ~~2. If an offender was placed on probation, parole, or conditional~~
 20 ~~release for an offense of:~~

21 ~~(1) Involuntary manslaughter in the second degree;~~
 22 ~~(2) Assault in the second degree except under subdivision (2) of~~
 23 ~~subsection 1 of section 565.052 or section 565.060 as it existed prior to~~
 24 ~~January 1, 2017;~~

25 ~~(3) Domestic assault in the second degree;~~
 26 ~~(4) Assault in the third degree when the victim is a special victim or~~
 27 ~~assault of a law enforcement officer in the second degree as it existed prior to~~
 28 ~~January 1, 2017;~~

29 ~~(5) Statutory rape in the second degree;~~
 30 ~~(6) Statutory sodomy in the second degree;~~
 31 ~~(7) Endangering the welfare of a child in the first degree under~~
 32 ~~subdivision (1) of subsection 1 of section 568.045; or~~
 33 ~~(8) Any case in which the defendant is found guilty of a felony offense~~
 34 ~~under chapter 571;~~

35
 36 ~~the sentencing court may, upon its own motion or a motion of the prosecuting~~
 37 ~~or circuit attorney, make a finding that the offender is ineligible to earn~~
 38 ~~compliance credits because the nature and circumstances of the offense or the~~
 39 ~~history and character of the offender indicate that a longer term of probation,~~
 40 ~~parole, or conditional release is necessary for the protection of the public or the~~
 41 ~~guidance of the offender. The motion may be made any time prior to the first~~
 42 ~~month in which the person may earn compliance credits under this section or~~
 43 ~~at a hearing under subsection 5 of this section. The offender's ability to earn~~
 44 ~~credits shall be suspended until the court or board makes its finding. If the~~
 45 ~~court or board finds that the offender is eligible for earned compliance credits,~~
 46 ~~the credits shall begin to accrue on the first day of the next calendar month~~
 47 ~~following the issuance of the decision.~~

48 ~~3. Earned compliance credits shall reduce the term of probation,~~
 49 ~~parole, or conditional release by thirty days for each full calendar month of~~
 50 ~~compliance with the terms of supervision. Credits shall begin to accrue for~~
 51 ~~eligible offenders after the first full calendar month of supervision or on~~
 52 ~~October 1, 2012, if the offender began a term of probation, parole, or~~
 53 ~~conditional release before September 1, 2012.~~

54 ~~4. For the purposes of this section, the term "compliance" shall mean~~
 55 ~~the absence of an initial violation report or notice of citation submitted by a~~

56 ~~probation or parole officer during a calendar month, or a motion to revoke or~~
57 ~~motion to suspend filed by a prosecuting or circuit attorney, against the~~
58 ~~offender.~~

59 ~~5. Credits shall not accrue during any calendar month in which a~~
60 ~~violation report, which may include a report of absconder status, has been~~
61 ~~submitted, the offender is in custody, or a motion to revoke or motion to~~
62 ~~suspend has been filed, and shall be suspended pending the outcome of a~~
63 ~~hearing, if a hearing is held. If no hearing is held, or if a hearing is held and~~
64 ~~the offender is continued under supervision, or the court or board finds that the~~
65 ~~violation did not occur, then the offender shall be deemed to be in compliance~~
66 ~~and shall begin earning credits on the first day of the next calendar month~~
67 ~~following the month in which the report was submitted or the motion was~~
68 ~~filed. If a hearing is held, all earned credits shall be rescinded if:~~

69 ~~(1) The court or board revokes the probation or parole or the court~~
70 ~~places the offender in a department program under subsection 4 of section~~
71 ~~559.036 or under section 217.785; or~~

72 ~~(2) The offender is found by the court or board to be ineligible to earn~~
73 ~~compliance credits because the nature and circumstances of the violation~~
74 ~~indicate that a longer term of probation, parole, or conditional release is~~
75 ~~necessary for the protection of the public or the guidance of the offender.~~

76
77 ~~Earned credits, if not rescinded, shall continue to be suspended for a period of~~
78 ~~time during which the court or board has suspended the term of probation,~~
79 ~~parole, or release, and shall begin to accrue on the first day of the next calendar~~
80 ~~month following the lifting of the suspension.~~

81 ~~6. Offenders who are deemed by the division to be absconders shall~~
82 ~~not earn credits. For purposes of this subsection, "absconder" shall mean an~~
83 ~~offender under supervision whose whereabouts are unknown and who has left~~
84 ~~such offender's place of residency without the permission of the offender's~~
85 ~~supervising officer and without notifying of their whereabouts for the purpose~~
86 ~~of avoiding supervision. An offender shall no longer be deemed an absconder~~
87 ~~when such offender is available for active supervision.~~

88 ~~7. Notwithstanding subsection 2 of section 217.730 to the contrary,~~
89 ~~once the combination of time served in custody, if applicable, time served on~~
90 ~~probation, parole, or conditional release, and earned compliance credits satisfy~~
91 ~~the total term of probation, parole, or conditional release, the board or~~
92 ~~sentencing court shall order final discharge of the offender, so long as the~~
93 ~~offender has completed restitution and at least two years of his or her~~
94 ~~probation, parole, or conditional release, which shall include any time served~~
95 ~~in custody under section 217.718 and sections 559.036 and 559.115.~~

96 ~~8. The award or rescission of any credits earned under this section~~
97 ~~shall not be subject to appeal or any motion for postconviction relief.~~

98 ~~9. At least twice a year, the division shall calculate the number of~~
99 ~~months the offender has remaining on his or her term of probation, parole, or~~
100 ~~conditional release, taking into consideration any earned compliance credits,~~
101 ~~and notify the offender of the length of the remaining term.~~

102 ~~10. No less than sixty days before the date of final discharge, the~~
103 ~~division shall notify the sentencing court, the board, and, for probation cases,~~

104 ~~the circuit or prosecuting attorney of the impending discharge. If the~~
105 ~~sentencing court, the board, or the circuit or prosecuting attorney upon~~
106 ~~receiving such notice does not take any action under subsection 5 of this~~
107 ~~section, the offender shall be discharged under subsection 7 of this section.~~

108 ~~11. Any offender who was sentenced prior to January 1, 2017, to an~~
109 ~~offense that was eligible for earned compliance credits under subsection 1 or 2~~
110 ~~of this section at the time of sentencing shall continue to remain eligible for~~
111 ~~earned compliance credits so long as the offender meets all the other~~
112 ~~requirements provided under this section.~~

113 ~~12. The application of earned compliance credits shall be suspended~~
114 ~~upon entry into a treatment court, as described in sections 478.001 to 478.009,~~
115 ~~and shall remain suspended until the offender is discharged from such~~
116 ~~treatment court. Upon successful completion of treatment court, all earned~~
117 ~~compliance credits accumulated during the suspension period shall be~~
118 ~~retroactively applied, so long as the other terms and conditions of probation~~
119 ~~have been successfully completed.]~~

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