

SECOND REGULAR SESSION

HOUSE BILL NO. 2198

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOK.

4871H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 217.541, 217.705, 217.730, 558.011, 558.046, 570.030, and 571.015, RSMo, and to enact in lieu thereof seven new sections relating to the conditional release of offenders, with penalty provisions.

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

Section A. Sections 217.541, 217.705, 217.730, 558.011, 558.046, 570.030, and
2 571.015, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as
3 sections 217.541, 217.705, 217.730, 558.011, 558.046, 570.030, and 571.015, to read as
4 follows:

217.541. 1. The department shall by rule establish a program of house arrest. The
2 director or his or her designee may extend the limits of confinement of offenders serving
3 sentences for class D or E felonies who have one year or less remaining prior to release on
4 parole~~[, conditional release,]~~ or discharge to participate in the house arrest program.

5 2. The offender referred to the house arrest program shall remain in the custody of the
6 department and shall be subject to rules and regulations of the department pertaining to
7 offenders of the department until released on parole ~~[or conditional release]~~ by the state
8 parole board.

9 3. The department shall require the offender to participate in work or educational or
10 vocational programs and other activities that may be necessary to the supervision and
11 treatment of the offender.

12 4. An offender released to house arrest shall be authorized to leave his or her place of
13 residence only for the purpose and time necessary to participate in the program and activities
14 authorized in subsection 3 of 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.

15 5. The division of probation and parole shall supervise every offender released to the
16 house arrest program and shall verify compliance with the requirements of this section and
17 such other rules and regulations that the department shall promulgate and may do so by
18 remote electronic surveillance. If any probation/parole officer has probable cause to believe
19 that an offender under house arrest has violated a condition of the house arrest agreement, the
20 probation/parole officer may issue a warrant for the arrest of the offender. The probation/
21 parole officer may effect the arrest or may deputize any officer with the power of arrest to do
22 so by giving the officer a copy of the warrant which shall outline the circumstances of the
23 alleged violation. The warrant delivered with the offender by the arresting officer to the
24 official in charge of any jail or other detention facility to which the offender is brought shall
25 be sufficient legal authority for detaining the offender. An offender arrested under this
26 section shall remain in custody or incarcerated without consideration of bail. The director or
27 his or her designee, upon recommendation of the probation and parole officer, may direct the
28 return of any offender from house arrest to a correctional facility of the department for
29 reclassification.

30 6. Each offender who is released to house arrest shall pay a percentage of his or her
31 wages, established by department rules, to a maximum of the per capita cost of the house
32 arrest program. The money received from the offender shall be deposited in the inmate fund
33 and shall be expended to support the house arrest program.

217.705. 1. The director of the division of probation and parole shall appoint
2 probation and parole officers and institutional parole officers as deemed necessary to carry
3 out the purposes of the board.

4 2. Probation and parole officers shall investigate all persons referred to them for
5 investigation by the board or by any court as provided by sections 217.750 and 217.760.
6 They shall furnish to each offender released under their supervision a written statement of the
7 conditions of probation[;] **or** parole [~~or conditional release~~] and shall instruct the offender
8 regarding these conditions. They shall keep informed of the offender's conduct and condition
9 and use all suitable methods to aid and encourage the offender to bring about improvement in
10 the offender's conduct and conditions.

11 3. The probation and parole officer may recommend and, by order duly entered, the
12 court may impose and may at any time modify any conditions of probation. The court shall
13 cause a copy of any such order to be delivered to the probation and parole officer and the
14 offender.

15 4. Probation and parole officers shall keep detailed records of their work and shall
16 make such reports in writing and perform such other duties as may be incidental to those
17 enumerated that the board may require. In the event a parolee is transferred to another

18 probation and parole officer, the written record of the former probation and parole officer
19 shall be given to the new probation and parole officer.

20 5. Institutional parole officers shall investigate all offenders referred to them for
21 investigation by the board and shall provide the board such other reports the board may
22 require. They shall furnish the offender prior to release on parole [~~or conditional release~~] a
23 written statement of the conditions of parole [~~or conditional release~~] and shall instruct the
24 offender regarding these conditions.

25 6. The department shall furnish probation and parole officers and institutional parole
26 officers, including supervisors, with credentials and a special badge which such officers and
27 supervisors shall carry on their person at all times while on duty.

217.730. 1. The period served on parole, except for judicial parole granted or
2 revoked pursuant to section 559.100, shall be deemed service of the term of imprisonment
3 and, subject to the provisions of section 217.720 relating to an offender who is or has been a
4 fugitive from justice, the total time served may not exceed the maximum term or sentence.

5 2. When an offender on parole [~~or conditional release~~], before the expiration of the
6 term for which the offender was sentenced, has performed the obligation of his parole for
7 such time as satisfies the board that his final release is not incompatible with the best interest
8 of society and the welfare of the individual, the board may make a final order of discharge
9 and issue a certificate of discharge to the offender. No such order of discharge shall be made
10 in any case less than three years after the date on which the offender was paroled [~~or~~
11 ~~conditionally released~~] except where the sentence expires earlier.

12 3. Upon final discharge, persons shall be informed in writing on the process and
13 procedure to register to vote.

558.011. 1. The authorized terms of imprisonment, including both prison and
2 conditional release terms, are:

3 (1) For a class A felony, a term of years not less than ten years and not to exceed
4 thirty years, or life imprisonment;

5 (2) For a class B felony, a term of years not less than five years and not to exceed
6 fifteen years;

7 (3) For a class C felony, a term of years not less than three years and not to exceed ten
8 years;

9 (4) For a class D felony, a term of years not to exceed seven years;

10 (5) For a class E felony, a term of years not to exceed four years;

11 (6) For a class A misdemeanor, a term not to exceed one year;

12 (7) For a class B misdemeanor, a term not to exceed six months;

13 (8) For a class C misdemeanor, a term not to exceed fifteen days.

14 2. In cases of class D and E felonies, the court shall have discretion to imprison for a
15 special term not to exceed one year in the county jail or other authorized penal institution, and
16 the place of confinement shall be fixed by the court. If the court imposes a sentence of
17 imprisonment for a term longer than one year upon a person convicted of a class D or E
18 felony, it shall commit the person to the custody of the department of corrections.

19 3. (1) When a regular sentence of imprisonment for a felony is imposed, the court
20 shall commit the person to the custody of the department of corrections for the term imposed
21 under section 557.036, or until released under procedures established elsewhere by law.

22 (2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the
23 court shall commit the person to the county jail or other authorized penal institution for the
24 term of his or her sentence or until released under procedure established elsewhere by law.

25 4. (1) Except as otherwise provided, a sentence of imprisonment for a term of years
26 for felonies other than dangerous felonies as defined in section 556.061, and other than
27 sentences of imprisonment which involve the individual's fourth or subsequent remand to the
28 department of corrections shall consist of a prison term and, **if the offense occurred before**
29 **August 28, 2022**, a conditional release term. The conditional release term of any term
30 imposed under section 557.036 shall be:

31 (a) One-third for terms of nine years or less;

32 (b) Three years for terms between nine and fifteen years;

33 (c) Five years for terms more than fifteen years; and the prison term shall be the
34 remainder of such term. The prison term may be extended by the parole board pursuant to
35 subsection 5 of this section.

36 (2) "Conditional release" means the conditional discharge of an offender by the parole
37 board, subject to conditions of release that the parole board deems reasonable to assist the
38 offender to lead a law-abiding life, and subject to the supervision under the division of
39 probation and parole. The conditions of release shall include avoidance by the offender of
40 any other offense, federal or state, and other conditions that the parole board in its discretion
41 deems reasonably necessary to assist the releasee in avoiding further violation of the law.

42 5. The date of conditional release from the prison term may be extended up to a
43 maximum of the entire sentence of imprisonment by the parole board. The director of any
44 division of the department of corrections except the division of probation and parole may file
45 with the parole board a petition to extend the conditional release date when an offender fails
46 to follow the rules and regulations of the division or commits an act in violation of such rules.
47 Within ten working days of receipt of the petition to extend the conditional release date, the
48 parole board shall convene a hearing on the petition. The offender shall be present and may
49 call witnesses in his or her behalf and cross-examine witnesses appearing against the offender.
50 The hearing shall be conducted as provided in section 217.670. If the violation occurs in

51 close proximity to the conditional release date, the conditional release may be held for a
52 maximum of fifteen working days to permit necessary time for the division director to file a
53 petition for an extension with the parole board and for the parole board to conduct a hearing,
54 provided some affirmative manifestation of an intent to extend the conditional release has
55 occurred prior to the conditional release date. If at the end of a fifteen-working-day period a
56 parole board decision has not been reached, the offender shall be released conditionally. The
57 decision of the parole board shall be final.

58 **6. For any offense that occurred on or after August 28, 2022, a sentence of**
59 **imprisonment shall not include eligibility for conditional release.**

558.046. The sentencing court may, upon petition, reduce any term of sentence or
2 probation pronounced by the court [~~or a term of conditional release~~] or parole pronounced by
3 the parole board if the court determines that:

4 (1) The convicted person was:

5 (a) Convicted of an offense that did not involve violence or the threat of violence; and

6 (b) Convicted of an offense that involved alcohol or illegal drugs; and

7 (2) Since the commission of such offense, the convicted person has successfully
8 completed a detoxification and rehabilitation program; and

9 (3) The convicted person is not:

10 (a) A prior offender, a persistent offender, a dangerous offender or a persistent
11 misdemeanor offender as defined by section 558.016; or

12 (b) A persistent sexual offender as defined in section 566.125; or

13 (c) A prior offender, a persistent offender or a class X offender as defined in section
14 558.019.

570.030. 1. A person commits the offense of stealing if he or she:

2 (1) Appropriates property or services of another with the purpose to deprive him or
3 her thereof, either without his or her consent or by means of deceit or coercion;

4 (2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the
5 purpose to deprive him or her thereof, either without his or her consent or by means of deceit
6 or coercion; or

7 (3) For the purpose of depriving the owner of a lawful interest therein, receives,
8 retains or disposes of property of another knowing that it has been stolen, or believing that it
9 has been stolen.

10 2. The offense of stealing is a class A felony if the property appropriated consists of
11 any of the following containing any amount of anhydrous ammonia: a tank truck, tank trailer,
12 rail tank car, bulk storage tank, field nurse, field tank or field applicator.

13 3. The offense of stealing is a class B felony if:

14 (1) The property appropriated or attempted to be appropriated consists of any amount
15 of anhydrous ammonia or liquid nitrogen;

16 (2) The property consists of any animal considered livestock as the term livestock is
17 defined in section 144.010, or any captive wildlife held under permit issued by the
18 conservation commission, and the value of the animal or animals appropriated exceeds three
19 thousand dollars and that person has previously been found guilty of appropriating any animal
20 considered livestock or captive wildlife held under permit issued by the conservation
21 commission. Notwithstanding any provision of law to the contrary, such person shall serve a
22 minimum prison term of not less than eighty percent of his or her sentence before he or she is
23 eligible for probation, parole, [~~conditional release,~~] or other early release by the department of
24 corrections;

25 (3) A person appropriates property consisting of a motor vehicle, watercraft, or
26 aircraft, and that person has previously been found guilty of two stealing-related offenses
27 committed on two separate occasions where such offenses occurred within ten years of the
28 date of occurrence of the present offense;

29 (4) The property appropriated or attempted to be appropriated consists of any animal
30 considered livestock as the term is defined in section 144.010 if the value of the livestock
31 exceeds ten thousand dollars; or

32 (5) The property appropriated or attempted to be appropriated is owned by or in the
33 custody of a financial institution and the property is taken or attempted to be taken physically
34 from an individual person to deprive the owner or custodian of the property.

35 4. The offense of stealing is a class C felony if the value of the property or services
36 appropriated is twenty-five thousand dollars or more.

37 5. The offense of stealing is a class D felony if:

38 (1) The value of the property or services appropriated is seven hundred fifty dollars or
39 more;

40 (2) The offender physically takes the property appropriated from the person of the
41 victim; or

42 (3) The property appropriated consists of:

43 (a) Any motor vehicle, watercraft or aircraft;

44 (b) Any will or unrecorded deed affecting real property;

45 (c) Any credit device, debit device or letter of credit;

46 (d) Any firearms;

47 (e) Any explosive weapon as defined in section 571.010;

48 (f) Any United States national flag designed, intended and used for display on
49 buildings or stationary flagstaffs in the open;

50 (g) Any original copy of an act, bill or resolution, introduced or acted upon by the
51 legislature of the state of Missouri;

52 (h) Any pleading, notice, judgment or any other record or entry of any court of this
53 state, any other state or of the United States;

54 (i) Any book of registration or list of voters required by chapter 115;

55 (j) Any animal considered livestock as that term is defined in section 144.010;

56 (k) Any live fish raised for commercial sale with a value of seventy-five dollars or
57 more;

58 (l) Any captive wildlife held under permit issued by the conservation commission;

59 (m) Any controlled substance as defined by section 195.010;

60 (n) Ammonium nitrate;

61 (o) Any wire, electrical transformer, or metallic wire associated with transmitting
62 telecommunications, video, internet, or voice over internet protocol service, or any other
63 device or pipe that is associated with conducting electricity or transporting natural gas or
64 other combustible fuels; or

65 (p) Any material appropriated with the intent to use such material to manufacture,
66 compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of
67 their analogues.

68 6. The offense of stealing is a class E felony if:

69 (1) The property appropriated is an animal;

70 (2) The property is a catalytic converter; or

71 (3) A person has previously been found guilty of three stealing-related offenses
72 committed on three separate occasions where such offenses occurred within ten years of the
73 date of occurrence of the present offense.

74 7. The offense of stealing is a class D misdemeanor if the property is not of a type
75 listed in subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less
76 than one hundred fifty dollars, and the person has no previous findings of guilt for a stealing-
77 related offense.

78 8. The offense of stealing is a class A misdemeanor if no other penalty is specified in
79 this section.

80 9. If a violation of this section is subject to enhanced punishment based on prior
81 findings of guilt, such findings of guilt shall be pleaded and proven in the same manner as
82 required by section 558.021.

83 10. The appropriation of any property or services of a type listed in subsection 2, 3, 5,
84 or 6 of this section or of a value of seven hundred fifty dollars or more may be considered a
85 separate felony and may be charged in separate counts.

86 11. The value of property or services appropriated pursuant to one scheme or course
87 of conduct, whether from the same or several owners and whether at the same or different
88 times, constitutes a single criminal episode and may be aggregated in determining the grade
89 of the offense, except as set forth in subsection 10 of this section.

 571.015. 1. Any person who commits any felony under the laws of this state by, with,
2 or through the use, assistance, or aid of a dangerous instrument or deadly weapon is also
3 guilty of the offense of armed criminal action and, upon conviction, shall be punished by
4 imprisonment by the department of corrections for a term of not less than three years and not
5 to exceed fifteen years, unless the person is unlawfully possessing a firearm, in which case the
6 term of imprisonment shall be for a term of not less than five years. The punishment imposed
7 pursuant to this subsection shall be in addition to and consecutive to any punishment provided
8 by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous
9 instrument or deadly weapon. No person convicted under this subsection shall be eligible for
10 parole, probation, [~~conditional release,~~] or suspended imposition or execution of sentence for
11 a period of three calendar years.

12 2. Any person convicted of a second offense of armed criminal action under
13 subsection 1 of this section shall be punished by imprisonment by the department of
14 corrections for a term of not less than five years and not to exceed thirty years, unless the
15 person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for
16 a term not less than fifteen years. The punishment imposed pursuant to this subsection shall
17 be in addition to and consecutive to any punishment provided by law for the crime committed
18 by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon.
19 No person convicted under this subsection shall be eligible for parole, probation, [~~conditional~~
20 ~~release,~~] or suspended imposition or execution of sentence for a period of five calendar years.

21 3. Any person convicted of a third or subsequent offense of armed criminal action
22 under subsection 1 of this section shall be punished by imprisonment by the department of
23 corrections for a term of not less than ten years, unless the person is unlawfully possessing a
24 firearm, in which case the term of imprisonment shall be no less than fifteen years. The
25 punishment imposed pursuant to this subsection shall be in addition to and consecutive to any
26 punishment provided by law for the crime committed by, with, or through the use, assistance,
27 or aid of a dangerous instrument or deadly weapon. No person convicted under this
28 subsection shall be eligible for parole, probation, [~~conditional release,~~] or suspended
29 imposition or execution of sentence for a period of ten calendar years.

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