

SECOND REGULAR SESSION

HOUSE BILL NO. 2609

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHROER.

6422H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 217.810 and 548.241, RSMo, and to enact in lieu thereof two new sections relating to the supervision of certain persons.

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

Section A. Sections 217.810 and 548.241, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 217.810 and 548.241, to read as follows:

217.810. 1. The governor is hereby authorized and directed to enter into the interstate compact for the supervision of parolees and probationers on behalf of the state of Missouri with the commonwealth of Puerto Rico, the Virgin Islands, the District of Columbia and any and all other states of the United States legally joining therein and pursuant to the provisions of an act of the Congress of the United States of America granting the consent of Congress to the commonwealth of Puerto Rico, the Virgin Islands, the District of Columbia and any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes, which compact shall have as its objective the permitting of persons placed on probation or released on parole to reside in any other state signatory to the compact assuming the duties of visitation and supervision over such probationers and parolees; permitting the extradition and transportation without interference of prisoners, being retaken, through any and all states signatory to the compact under such terms, conditions, rules and regulations, and for such duration as in the opinion of the governor of this state shall be necessary and proper and in a form substantially as contained in subsection 2 of this section. The chairman of the board shall administer the compact for the state.

2. INTERSTATE COMPACT FOR THE SUPERVISION OF PAROLEES
AND PROBATIONERS

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 This compact shall be entered into by and among the contracting states, signatories
19 hereto, with the consent of the Congress of the United States of America, granted by an act
20 entitled "An act granting the consent of Congress to any two or more states to enter into
21 agreements or compacts for cooperative effort and mutual assistance in the prevention of crime
22 and for other purposes."

23 The contracting states solemnly agree:

24 (1) That it shall be competent for the duly constituted judicial and administrative
25 authorities of a state party to this compact (herein called "sending state") to permit any person
26 convicted of an offense within such state and placed on probation or released on parole to reside
27 in any other state party to this compact (herein called "receiving state"), while on probation or
28 parole, if

29 (a) Such a person is in fact a resident of or has his family residing within the receiving
30 state and can obtain employment there;

31 (b) Though not a resident of the receiving state and not having his family residing there,
32 the receiving state consents to such person being sent there.

33 Before granting such permission, opportunity shall be granted to the receiving state to
34 investigate the home and prospective employment of such person.

35 A resident of the receiving state, within the meaning of this section, is one who has been
36 an actual inhabitant of such state continuously for more than one year prior to his coming to the
37 sending state and has not resided within the sending state more than six continuous months
38 immediately preceding the commission of the offense for which he has been convicted.

39 (2) The receiving state shall assume the duties of visitation and supervision over
40 probationers or parolees of any sending state transferred under the compact and will apply the
41 same standards of supervision that prevail for its own probationers and parolees.

42 (3) That duly accredited officers of a sending state may at all times enter a receiving state
43 and there apprehend and retake any person on probation or parole. For that purpose no
44 formalities will be required other than establishing the authority of the officer and the identity
45 of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice
46 are hereby expressly waived on the part of states party hereto, as to such persons. The decision
47 of the sending state to retake a person on probation or parole shall be conclusive upon and not
48 reviewable within the receiving state. Provided, however, that if at the time when a state seeks
49 to retake a probationer or parolee there should be pending against him within the receiving state
50 any criminal charge, or he should be suspected of having committed within such state a criminal
51 offense, he shall not be retaken without the consent of the receiving state until discharged from
52 prosecution or from imprisonment for such offense.

53 (4) That the duly accredited officers of the sending state will be permitted to transport
54 prisoners being retaken through any and all states parties to this compact, without interference.

55 (5) Each state may designate an officer who, acting jointly with like officers of other
56 contracting states shall promulgate such rules and regulations as may be deemed necessary to
57 more effectively carry out the terms of this compact.

58 (6) That this compact shall become operative immediately upon its execution by any
59 state as between it and any other state or states so executing. When executed it shall have the
60 full force and effect of law within such state, the form of execution to be in accordance with the
61 laws of the executing state.

62 (7) That this compact shall continue in force and remain binding upon each executing
63 state until renounced by it. The duties and obligations hereunder of a renouncing state shall
64 continue as to parolees or probationers residing therein at the time of withdrawal until retaken
65 or finally discharged by the sending state. Renunciation of this compact shall be by the same
66 authority which executed it, by sending six months' notice in writing of its intention to withdraw
67 from the compact to the other states party hereto.

68 **(8) (a) Upon a petition from the state, a circuit court is authorized to add any**
69 **condition to a term of probation for an offender supervised in this state for a term of**
70 **probation ordered by another state, including shock incarceration. However, the court**
71 **may not reduce, extend, or revoke such a term of probation. The circuit court for the**
72 **jurisdiction in which a probationer is under supervision shall serve as the authorizing**
73 **court for the purposes of this statute. The prosecuting attorney or circuit attorney for the**
74 **jurisdiction in which a probationer is under supervision shall serve as the authorized**
75 **person to petition the court to add a condition of probation. Notwithstanding any**
76 **provision of section 559.125 or 549.500, the board of probation and parole may submit**
77 **violation reports to the prosecuting attorney or circuit attorney with authority to petition**
78 **the court to add a condition to a term of probation under this section.**

79 **(b) Where supervision of a parolee in Missouri is administered pursuant to this**
80 **compact, the Missouri board of probation and parole shall have the authority to impose**
81 **a sanction or additional conditions in response to written violations of supervision, as is**
82 **permitted for a Missouri parolee. However, the Missouri board of probation and parole**
83 **may not reduce, extend, or revoke such a term of parole.**

84 3. If any section, sentence, subdivision or clause within subsection 2 of this section is
85 for any reason held invalid or to be unconstitutional, such decision shall not affect the validity
86 of the remaining provisions of that subsection or this section.

87 4. All necessary and proper expenses accruing as a result of a person being returned to
88 this state by order of a court or the board of probation and parole shall be paid by the state as
89 provided in section 548.241 or 548.243.

90 **5. Administration of transfer application fee - a Missouri probationer or parolee**
91 **seeking transfer of their supervision through this compact shall pay a fee for each transfer**
92 **application submitted in the amount of one hundred seventy-five dollars. The transfer**
93 **application fee shall be paid to the compact commissioner upon submission of the transfer**
94 **application. The commissioner or commissioner's designee may waive the application fee**
95 **if either the commissioner or the commissioner's designee finds that payment of the fee will**
96 **constitute an undue economic burden on the offender. All fees collected pursuant to this**
97 **section shall be paid and deposited to the credit of the "Missouri Interstate Compact**
98 **Fund", which is hereby established in the state treasury. The state treasurer shall be**
99 **custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer**
100 **may approve disbursements. The fund shall be a dedicated fund and, upon appropriation,**
101 **moneys in the fund shall be used for the sole benefit of the department of corrections in**
102 **support of administration of the this section, expenses related to retaking, assessment, staff**
103 **development and training, and implementation of evidence based practices in support of**
104 **offenders under supervision. Notwithstanding the provisions of section 33.080 to the**
105 **contrary, any moneys remaining in the fund at the end of the biennium shall not revert to**
106 **the credit of the general revenue fund. The state treasurer shall invest moneys in the fund**
107 **in the same manner as other funds are invested. Any interest and moneys earned on such**
108 **investments shall be credited to the fund.**

548.241. 1. All necessary and proper expenses accruing under section 548.221, upon
2 being ascertained to the satisfaction of the governor, shall be allowed on his certificate and paid
3 out of the state treasury as other demands against the state.

4 2. All necessary and proper expenses accruing as a result of a person being returned to
5 this state pursuant to the provisions of section 548.243 or 217.810 shall be allowed and paid out
6 of the state treasury as if the person were being returned to this state pursuant to section 548.221.

7 **3. Any necessary and proper expenses accruing as a result of a person being**
8 **returned to this state under the provisions of section 217.780 may be paid either out of the**
9 **Missouri interstate compact fund established in section 217.810 or out of the state treasury**
10 **as if the person were being returned under section 548.221.**

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