

SECOND REGULAR SESSION

HOUSE BILL NO. 2659

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CORNEJO.

6626H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 217, RSMo, by adding thereto one new section relating to earned compliance credits for offenders on probation for misdemeanor offenses.

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

Section A. Chapter 217, RSMo, is amended by adding thereto one new section, to be known as section 217.704, to read as follows:

217.704. 1. The division of probation and parole shall award earned compliance credits to any offender who is:

- (1) On probation or conditional release for a class A, B, or C misdemeanor;**
- (2) Supervised by the board or a private probation company; and**
- (3) In compliance with the conditions of supervision imposed by the sentencing court or board.**

2. The sentencing court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that the offender is ineligible to earn compliance credits because the nature and circumstances of the offense or the history and character of the offender indicate that a longer term of probation or conditional release is necessary for the protection of the public or the guidance of the offender. The motion may be made any time prior to the first month in which the person may earn compliance credits under this section. The offender's ability to earn credits shall be suspended until the court or board makes its finding. If the court or board finds that the offender is eligible for earned compliance credits, the credits shall begin to accrue on the first day of the next calendar month following the issuance of the decision.

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 **3. Earned compliance credits shall reduce the term of probation or conditional**
18 **release by thirty days for each full calendar month of compliance with the terms of**
19 **supervision. Credits shall begin to accrue for eligible offenders after the first full calendar**
20 **month of supervision or on October 1, 2016, if the offender began a term of probation or**
21 **conditional release before September 1, 2016.**

22 **4. For the purposes of this section, the term "compliance" shall mean the absence**
23 **of an initial violation report submitted by a probation officer during a calendar month, or**
24 **a motion to revoke or motion to suspend filed by a prosecuting or circuit attorney, against**
25 **the offender.**

26 **5. Credits shall not accrue during any calendar month in which a violation report**
27 **has been submitted or a motion to revoke or motion to suspend has been filed, and shall**
28 **be suspended pending the outcome of a hearing, if a hearing is held. If no hearing is held**
29 **or the court or board finds that the violation did not occur, then the offender shall be**
30 **deemed to be in compliance and shall begin earning credits on the first day of the next**
31 **calendar month following the month in which the report was submitted or the motion was**
32 **filed. All earned credits shall be rescinded if the court or board revokes the probation or**
33 **the court places the offender in a department program under subsection 4 of section**
34 **559.036. Earned credits shall continue to be suspended for a period of time during which**
35 **the court or board has suspended the term of probation or release, and shall begin to**
36 **accrue on the first day of the next calendar month following the lifting of the suspension.**

37 **6. Offenders who are deemed by the division to be absconders shall not earn**
38 **credits. For purposes of this subsection, "absconder" shall mean an offender under**
39 **supervision who has left such offender's place of residency without the permission of the**
40 **offender's supervising officer for the purpose of avoiding supervision. An offender shall**
41 **no longer be deemed an absconder when such offender is available for active supervision.**

42 **7. Notwithstanding subsection 2 of section 217.730 to the contrary, once the**
43 **combination of time served in custody, if applicable, time served on probation or**
44 **conditional release, and earned compliance credits satisfy the total term of probation or**
45 **conditional release, the board or sentencing court shall order final discharge of the**
46 **offender, so long as the offender has completed at least the minimum amount described in**
47 **section 559.016 which is a term not less than six months and not to exceed two years for a**
48 **misdemeanor.**

49 **8. The award or rescission of any credits earned under this section shall not be**
50 **subject to appeal or any motion for postconviction relief.**

51 **9. At least twice a year, the division shall calculate the number of months the**
52 **offender has remaining on his or her term of probation or conditional release, taking into**

53 consideration any earned compliance credits, and notify the offender of the length of the
54 remaining term.

55 **10. No less than sixty days before the date of final discharge, the division shall**
56 **notify the sentencing court, the board, and, for probation cases, the circuit or prosecuting**
57 **attorney of the impending discharge. If the sentencing court, the board, or the circuit or**
58 **prosecuting attorney upon receiving such notice does not take any action under subsection**
59 **5 of this section, the offender shall be discharged under subsection 7 of this section.**

60 **11. Any offender who was sentenced prior to January 1, 2017, to an offense that**
61 **was eligible for earned compliance credits under subsection 1 of this section at the time of**
62 **sentencing shall continue to remain eligible for earned compliance credits so long as the**
63 **offender meets all the other requirements provided under this section.**

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