

FIRST REGULAR SESSION

# HOUSE BILL NO. 698

101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SCHROER.

1668H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 558.011, 558.031, and 575.150, RSMo, and to enact in lieu thereof three new sections relating to criminal proceedings, with penalty provisions.

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

Section A. Sections 558.011, 558.031, and 575.150, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 558.011, 558.031, and 575.150, to read as follows:

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

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

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

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

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

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

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

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

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

2. In cases of class D and E felonies, the court shall have discretion to imprison for a special term not to exceed one year in the county jail or other authorized penal institution, and the place of confinement shall be fixed by the court. If the court imposes a sentence of

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 imprisonment for a term longer than one year upon a person convicted of a class D or E felony,  
18 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 shall  
20 commit the person to the custody of the department of corrections for the term imposed under  
21 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 term  
24 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 sentences  
27 of imprisonment which involve the individual's fourth or subsequent remand to the department  
28 of corrections shall consist of a prison term and a conditional release term. The conditional  
29 release term of any term imposed under section 557.036 shall be:

30 ~~[(a)]~~ (1) One-third for terms of nine years or less;

31 ~~[(b)]~~ (2) Three years for terms between nine and fifteen years;

32 ~~[(c)]~~ (3) Five years for terms more than fifteen years; and the prison term shall be the  
33 remainder of such term. ~~[The prison term may be extended by the board of probation and parole  
34 pursuant to subsection 5 of this section.~~

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

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

53 ~~the board to conduct a hearing, provided some affirmative manifestation of an intent to extend~~  
54 ~~the conditional release has occurred prior to the conditional release date. If at the end of a~~  
55 ~~fifteen-working-day period a board decision has not been reached, the offender shall be released~~  
56 ~~conditionally. The decision of the board shall be final.]~~

558.031. 1. A sentence of imprisonment shall commence when a person convicted of  
2 an offense in this state is received into the custody of the department of corrections or other place  
3 of confinement where the offender is sentenced.

4 **2.** Such person shall receive credit toward the service of a sentence of imprisonment for  
5 all time in prison, jail or custody after ~~[the offense occurred]~~ **conviction** and before the  
6 commencement of the sentence, when the time in custody was related to that offense, **and the**  
7 **circuit court may, when pronouncing sentence, award credit for time spent in prison, jail,**  
8 **or custody after the offense occurred and before conviction toward the service of the**  
9 **sentence of imprisonment**, except:

10 (1) Such credit shall only be applied once when sentences are consecutive;

11 (2) Such credit shall only be applied if the person convicted was in custody in the state  
12 of Missouri, unless such custody was compelled exclusively by the state of Missouri's action; and

13 (3) As provided in section 559.100.

14 ~~[2-]~~ **3.** The officer required by law to deliver a person convicted of an offense in this state  
15 to the department of corrections shall endorse upon the papers required by section 217.305 both  
16 the dates the offender was in custody and the period of time to be credited toward the service of  
17 the sentence of imprisonment, except as endorsed by such officer.

18 ~~[3-]~~ **4.** If a person convicted of an offense escapes from custody, such escape shall  
19 interrupt the sentence. The interruption shall continue until such person is returned to the  
20 correctional center where the sentence was being served, or in the case of a person committed  
21 to the custody of the department of corrections, to any correctional center operated by the  
22 department of corrections. An escape shall also interrupt the jail time credit to be applied to a  
23 sentence which had not commenced when the escape occurred.

24 ~~[4-]~~ **5.** If a sentence of imprisonment is vacated and a new sentence imposed upon the  
25 offender for that offense, all time served under the vacated sentence shall be credited against the  
26 new sentence, unless the time has already been credited to another sentence as provided in  
27 subsection 1 of this section.

28 ~~[5-]~~ **6.** If a person released from imprisonment on parole or serving a conditional release  
29 term violates any of the conditions of his or her parole or release, he or she may be treated as a  
30 parole violator. If the board of probation and parole revokes the parole or conditional release,  
31 the paroled person shall serve the remainder of the prison term and conditional release term, as

32 an additional prison term, and the conditionally released person shall serve the remainder of the  
33 conditional release term as a prison term, unless released on parole.

34 **7. This section shall apply to offenses occurring on or after August 28, 2021.**

575.150. 1. A person commits the offense of resisting or interfering with arrest,  
2 detention, or stop if he or she knows or reasonably should know that a law enforcement officer  
3 is making an arrest or attempting to lawfully detain or stop an individual or vehicle, and for the  
4 purpose of preventing the officer from effecting the arrest, stop or detention, he or she:

5 (1) Resists the arrest, stop or detention of such person by using or threatening the use of  
6 violence or physical force or by fleeing from such officer; or

7 (2) Interferes with the arrest, stop or detention of another person by using or threatening  
8 the use of violence, physical force or physical interference.

9 2. This section applies to:

10 (1) Arrests, stops, or detentions, with or without warrants;

11 (2) Arrests, stops, or detentions, for any offense, infraction, or ordinance violation; and

12 (3) Arrests for warrants issued by a court or a probation and parole officer.

13 3. A person is presumed to be fleeing a vehicle stop if he or she continues to operate a  
14 motor vehicle after he or she has seen or should have seen clearly visible emergency lights or has  
15 heard or should have heard an audible signal emanating from the law enforcement vehicle  
16 pursuing him or her.

17 4. It is no defense to a prosecution pursuant to subsection 1 of this section that the law  
18 enforcement officer was acting unlawfully in making the arrest. However, nothing in this section  
19 shall be construed to bar civil suits for unlawful arrest.

20 5. The offense of resisting or interfering with an arrest is a class E felony for an arrest  
21 for a:

22 (1) Felony;

23 (2) Warrant issued for failure to appear on a felony case; or

24 (3) Warrant issued for a probation violation on a felony case.

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26 The offense of resisting an arrest, detention or stop in violation of subdivision (1) or (2) of  
27 subsection 1 of this section is a class A misdemeanor, unless the person fleeing creates a  
28 substantial risk of serious physical injury or death to any person **or flees by operating a motor**  
29 **vehicle, as defined in section 302.010, resulting in pursuit by a law enforcement officer**  
30 **operating a motor vehicle**, in which case it is a class E felony.

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