

SECOND REGULAR SESSION

# SENATE BILL NO. 1080

99TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR RIZZO.

Read 1st time March 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6773S.011

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## 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.

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Section A. Sections 217.810 and 548.241, RSMo, are repealed and two new  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

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

19 2. INTERSTATE COMPACT FOR THE SUPERVISION OF PAROLEES AND

## 20 PROBATIONERS

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

26 The contracting states solemnly agree:

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

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

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

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

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

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

48 (3) That duly accredited officers of a sending state may at all times enter  
49 a receiving state and there apprehend and retake any person on probation or  
50 parole. For that purpose no formalities will be required other than establishing  
51 the authority of the officer and the identity of the person to be retaken. All legal  
52 requirements to obtain extradition of fugitives from justice are hereby expressly  
53 waived on the part of states party hereto, as to such persons. The decision of the  
54 sending state to retake a person on probation or parole shall be conclusive upon  
55 and not reviewable within the receiving state. Provided, however, that if at the

56 time when a state seeks to retake a probationer or parolee there should be  
57 pending against him within the receiving state any criminal charge, or he should  
58 be suspected of having committed within such state a criminal offense, he shall  
59 not be retaken without the consent of the receiving state until discharged from  
60 prosecution or from imprisonment for such offense.

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

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

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

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

80 (8) (a) **Upon a petition from the state, a circuit court is**  
81 **authorized to add any condition to a term of probation for an offender**  
82 **supervised in this state for a term of probation ordered by another**  
83 **state, including shock incarceration. However, the court may not**  
84 **reduce, extend, or revoke such a term of probation. The circuit court**  
85 **for the jurisdiction in which a probationer is under supervision shall**  
86 **serve as the authorizing court for the purposes of this section. The**  
87 **prosecuting attorney or circuit attorney for the jurisdiction in which**  
88 **a probationer is under supervision shall serve as the authorized person**  
89 **to petition the court to add a condition of probation. Notwithstanding**  
90 **any provision of sections 559.125 or 549.500 to the contrary, the board**  
91 **of probation and parole may submit violation reports to the**

92 **prosecuting attorney or circuit attorney with authority to petition the**  
93 **court to add a condition to a term of probation under this section.**

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

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

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

107 **5. Administration of transfer application fee - a Missouri**  
108 **probationer or parolee seeking transfer of their supervision through**  
109 **this compact shall pay a fee for each transfer application submitted in**  
110 **the amount of one hundred seventy-five dollars. The transfer**  
111 **application fee shall be paid to the compact commissioner upon**  
112 **submission of the transfer application. The commissioner or**  
113 **commissioner's designee may waive the application fee if either the**  
114 **commissioner or the commissioner's designee finds that payment of the**  
115 **fee will constitute an undue economic burden on the offender. All fees**  
116 **collected pursuant to this section shall be paid and deposited to the**  
117 **credit of the "Missouri Interstate Compact Fund", which is hereby**  
118 **established in the state treasury. The state treasurer shall be custodian**  
119 **of the fund. In accordance with sections 30.170 and 30.180, the state**  
120 **treasurer may approve disbursements. The fund shall be a dedicated**  
121 **fund and, upon appropriation, moneys in the fund shall be used for the**  
122 **sole benefit of the department of corrections in support of**  
123 **administration of the this section, expenses related to retaking,**  
124 **assessment, staff development and training, and implementation of**  
125 **evidence based practices in support of offenders under**  
126 **supervision. Notwithstanding the provisions of section 33.080 to the**  
127 **contrary, any moneys remaining in the fund at the end of the biennium**  
128 **shall not revert to the credit of the general revenue fund. The state**

129 **treasurer shall invest moneys in the fund in the same manner as other**  
130 **funds are invested. Any interest and moneys earned on such**  
131 **investments shall be credited to the fund.**

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

5 2. All necessary and proper expenses accruing as a result of a person  
6 being returned to this state pursuant to the provisions of section 548.243 or  
7 217.810 shall be allowed and paid out of the state treasury as if the person were  
8 being returned to this state pursuant to section 548.221.

9 **3. Any necessary and proper expenses accruing as a result of a**  
10 **person being returned to this state under the provisions of section**  
11 **217.810 may be paid either out of the Missouri interstate compact fund**  
12 **established in section 217.810 or out of the state treasury as if the**  
13 **person were being returned under section 548.221.**

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Bill

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