

FIRST REGULAR SESSION

# SENATE BILL NO. 352

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ENGLER.

Read 1st time February 24, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1740S.011

## AN ACT

To amend chapter 559, RSMo, by adding thereto one new section relating to a mental health assessment pilot program.

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

Section A. Chapter 559, RSMo, is amended by adding thereto one new  
2 section, to be known as section 559.117, to read as follows:

**559.117. 1. The director of the department of corrections is  
2 authorized to establish, as a three-year pilot program, a mental health  
3 assessment process.**

**4 2. Only upon a motion filed by the prosecutor in a criminal case,  
5 the judge who is hearing the criminal case in a participating county  
6 may request that an offender be placed in the department of  
7 corrections for one hundred twenty days for a mental health  
8 assessment and for treatment if it appears that the offender has a  
9 mental disorder or mental illness such that the offender may qualify for  
10 probation including community psychiatric rehabilitation (CPR)  
11 programs and such probation is appropriate and not inconsistent with  
12 public safety. Before the judge rules upon the motion, the victim shall  
13 be given notice of such motion and the opportunity to be heard. Upon  
14 recommendation of the court, the department shall determine the  
15 offender's eligibility for the mental health assessment process.**

**16 3. Following this assessment and treatment period, an  
17 assessment report shall be sent to the sentencing court and the  
18 sentencing court may, if appropriate, release the offender on  
19 probation. The offender shall be supervised on probation by a state  
20 probation and parole officer, who shall work cooperatively with the  
21 department of mental health to enroll eligible offenders in Community**

22 **Psychiatric Rehabilitation (CPR) programs.**

23 **4. Notwithstanding any other provision of law, probation shall**  
24 **not be granted under this section to offenders who:**

25 **(1) Have been found guilty of, or plead guilty to, murder in the**  
26 **second degree under section 565.021;**

27 **(2) Have been found guilty of, or plead guilty to, forcible rape**  
28 **under section 566.030;**

29 **(3) Have been found guilty of, or plead guilty to, statutory rape**  
30 **in the first degree under section 566.032;**

31 **(4) Have been found guilty of, or plead guilty to, forcible sodomy**  
32 **under section 566.060;**

33 **(5) Have been found guilty of, or plead guilty to, statutory**  
34 **sodomy in the first degree under section 566.062;**

35 **(6) Have been found guilty of, or plead guilty to, child**  
36 **molestation in the first degree under section 566.067 when classified as**  
37 **a class A felony;**

38 **(7) Have been found to be a predatory sexual offender under**  
39 **section 558.018; or**

40 **(8) Have been found guilty of, or plead guilty to, any offense for**  
41 **which there exists a statutory prohibition against either probation or**  
42 **parole.**

43 **5. At the end of the three-year pilot, the director of the**  
44 **department of corrections and the director of the department of mental**  
45 **health shall jointly submit recommendations to the governor and to the**  
46 **general assembly by December 31, 2014, on whether to expand the**  
47 **process statewide.**