

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 681

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CUNNINGHAM.

Pre-filed December 1, 2015, and ordered printed.

Read 2nd time January 11, 2016, and referred to the Committee on the Judiciary and Civil and Criminal Jurisprudence.

Reported from the Committee February 25, 2016, with recommendation that the bill do pass.

Taken up for Perfection April 6, 2016. Bill declared Perfected and Ordered Printed.

ADRIANE D. CROUSE, Secretary.

4492S.01P

AN ACT

To repeal section 217.722, RSMo, and to enact in lieu thereof one new section relating to probation violations.

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

Section A. Section 217.722, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 217.722, to read as follows:

217.722. 1. If any probation officer has probable cause to believe that the person on probation has violated a condition of probation, the probation officer **shall immediately notify the prosecuting or circuit attorney and** may issue a warrant for the arrest of the person on probation. The officer may effect the arrest or may deputize any other officer with the power of arrest to do so by giving the officer a copy of the warrant which will outline the circumstances of the alleged violation and contain the statement that the person on probation has, in the judgment of the probation officer, violated the conditions of probation. The warrant delivered with the offender by the arresting officer to the official in charge of any jail or other detention facility shall be sufficient authority for detaining the person on probation pending a preliminary hearing on the alleged violation. Other provisions of law relating to release on bail of persons charged with criminal offenses shall be applicable to persons detained on alleged probation violations.

2. Any person on probation arrested under the authority granted in subsection 1 of this section shall have the right to a preliminary hearing on the violation charged as long as the person on probation remains in custody or unless the offender waives such hearing. The person on probation shall be notified

19 immediately in writing of the alleged probation violation. If arrested in the
20 jurisdiction of the sentencing court, and the court which placed the person on
21 probation is immediately available, the preliminary hearing shall be heard by the
22 sentencing court. Otherwise, the person on probation shall be taken before a
23 judge or associate circuit judge in the county of the alleged violation or arrest
24 having original jurisdiction to try criminal offenses or before an impartial
25 member of the staff of the Missouri board of probation and parole, and the
26 preliminary hearing shall be held as soon as possible after the arrest. Such
27 preliminary hearings shall be conducted as provided by rule of court or by rules
28 of the Missouri board of probation and parole. If it appears that there is probable
29 cause to believe that the person on probation has violated a condition of
30 probation, or if the person on probation waives the preliminary hearing, the judge
31 or associate circuit judge, or member of the staff of the Missouri board of
32 probation and parole shall order the person on probation held for further
33 proceedings in the sentencing court. If probable cause is not found, the court
34 shall not be barred from holding a hearing on the question of the alleged violation
35 of a condition of probation nor from ordering the person on probation to be
36 present at such a hearing.

37 3. Upon such arrest and detention, the probation officer shall immediately
38 notify the sentencing court and shall submit to the court a written report showing
39 in what manner the person on probation has violated the conditions of
40 probation. Thereupon, or upon arrest by warrant, the court shall cause the
41 person on probation to be brought before it without unnecessary delay for a
42 hearing on the violation charged. Revocation hearings shall be conducted as
43 provided by rule of court.

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