

SECOND REGULAR SESSION

# SENATE BILL NO. 862

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WHITE.

Read 1st time January 13, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4831S.011

## AN ACT

To repeal sections 56.380, 56.455, 105.950, 149.071, 149.076, 214.392, 217.010, 217.030, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.660, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 549.500, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 566.145, 571.030, 575.205, 575.206, 589.042, 595.209, 650.055, and 650.058, RSMo, and to enact in lieu thereof forty-four new sections relating to the department of corrections, with existing penalty provisions.

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

Section A. Sections 56.380, 56.455, 105.950, 149.071, 149.076, 214.392, 217.010, 217.030, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.660, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 549.500, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 566.145, 571.030, 575.205, 575.206, 589.042, 595.209, 650.055, and 650.058, RSMo, are repealed and forty-four new sections enacted in lieu thereof, to be known as sections 56.380, 56.455, 105.950, 149.071, 149.076, 214.392, 217.010, 217.030, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 549.500, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 566.145, 571.030, 575.205, 575.206, 589.042, 595.209, 650.055, and 650.058, to read as follows:

56.380. It is unlawful for the circuit attorneys or the assistant circuit attorneys of the courts of this state having jurisdiction of criminals within cities in this state having a population of seven hundred thousand inhabitants or more

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

4 to contract for, directly or indirectly, or to accept, receive or take any fee, reward,  
5 promise or undertaking, or gift or valuable thing of any kind whatsoever, except  
6 the salary of his office prescribed by law, for aiding, advising, promoting or  
7 procuring any indictment, true bill or legal process of any kind whatsoever  
8 against any person or party, or for aiding, promoting, counseling or procuring the  
9 detection, discovery, apprehension, prosecution or conviction of any person upon  
10 any charge whatsoever, or for aiding, advising or counseling of or concerning, or  
11 for procuring, promoting or effecting the discovery or recovery, by any means  
12 whatever, of any valuable thing which is secreted or detained from the possession  
13 of the owner or lawful custodian thereof. Any officer who is convicted of the  
14 violation of any of the provisions of this section shall be punished by  
15 imprisonment by the state department of corrections [and human resources] for  
16 not more than seven years and in addition shall forfeit his office.

56.455. In addition to his other duties, the circuit attorney of the City of  
2 St. Louis shall make a detailed report of all information in his possession  
3 pertaining to each person committed to the state penitentiary by the circuit court  
4 of the City of St. Louis to the director of the state department of corrections [and  
5 human resources] and to the state [board of probation and] parole **board**. The  
6 report shall include such information as may be requested by such director or  
7 board and shall include a summary of such evidence as to the prior convictions  
8 of the convict, his mental condition, education and other personal background  
9 information which is available to the circuit attorney as well as the date of the  
10 crime for which the convict was sentenced, whether he was tried or pleaded  
11 guilty, and such facts as are available as to the aggravating or mitigating  
12 circumstances of the crime. The circuit attorney may include in the report his  
13 recommendation as to whether the convict should be kept in a maximum security  
14 institution. The report shall be transmitted within twenty days after the date of  
15 the conviction or at such other time as is prescribed by the director of the  
16 department of corrections [and human resources] or [board of probation and]  
17 parole **board**.

105.950. 1. Until June 30, 2000, the commissioner of administration and  
2 the directors of the departments of revenue, social services, agriculture, economic  
3 development, corrections, labor and industrial relations, natural resources, and  
4 public safety shall continue to receive the salaries they received on August 27,  
5 1999, subject to annual adjustments as provided in section 105.005.

6 2. On and after July 1, 2000, the salary of the directors of the above

7 departments shall be set by the governor within the limits of the salary ranges  
8 established pursuant to this section and the appropriation for that  
9 purpose. Salary ranges for department directors and members of the [board of  
10 probation and] parole **board** shall be set by the personnel advisory board after  
11 considering the results of a study periodically performed or administered by the  
12 office of administration. Such salary ranges shall be published yearly in an  
13 appendix to the revised statutes of Missouri.

14 3. Each of the above salaries shall be increased by any salary adjustment  
15 provided pursuant to the provisions of section 105.005.

149.071. Any person who shall, without the authorization of the director  
2 of revenue, make or manufacture, or who shall falsely or fraudulently forge,  
3 counterfeit, reproduce, restore, or process any stamp, impression, copy, facsimile,  
4 or other evidence for the purpose of indicating the payment of the tax levied by  
5 this chapter, or who shall knowingly or by a deceptive act use or pass, or tender  
6 as true, or affix, impress, or imprint, by use of any device, rubber stamp or by any  
7 other means, or any package containing cigarettes, any unauthorized, false,  
8 altered, forged, counterfeit or previously used stamp, impressions, copies,  
9 facsimiles or other evidence of cigarette tax payment, shall be guilty of a felony  
10 and, upon conviction, shall be punished by imprisonment by the state department  
11 of corrections [and human resources] for a term of not less than two years nor  
12 more than five years.

149.076. 1. No manufacturer, wholesaler or retailer shall fail or refuse  
2 to make any return required by the director, or refuse to permit the director or  
3 his duly authorized representatives to examine records, papers, files and  
4 equipment pertaining to the person's business made taxable by this chapter. No  
5 person shall make an incomplete, false or fraudulent return under this chapter,  
6 or attempt to do anything to evade full disclosure of the facts or to avoid the  
7 payment in whole or in part of the tax or interest due.

8 2. Any person who files a false report or application or makes a false  
9 entry in any record relating to the purchase and sale of cigarettes shall be guilty  
10 of a felony and, upon conviction, shall be punished by imprisonment by the state  
11 department of corrections [and human resources] for a term of not less than two  
12 years nor more than five years.

214.392. 1. The division shall:

2 (1) Recommend prosecution for violations of the provisions of sections  
3 214.270 to 214.410 to the appropriate prosecuting, circuit attorney or to the

4 attorney general;

5 (2) Employ, within limits of the funds appropriated, such employees as are  
6 necessary to carry out the provisions of sections 214.270 to 214.410;

7 (3) Be allowed to convey full authority to each city or county governing  
8 body the use of inmates controlled by the department of corrections and the  
9 [board of probation and] parole **board** to care for abandoned cemeteries located  
10 within the boundaries of each city or county;

11 (4) Exercise all budgeting, purchasing, reporting and other related  
12 management functions;

13 (5) Be authorized, within the limits of the funds appropriated, to conduct  
14 investigations, examinations, or audits to determine compliance with sections  
15 214.270 to 214.410;

16 (6) The division may promulgate rules necessary to implement the  
17 provisions of sections 214.270 to 214.516, including but not limited to:

18 (a) Rules setting the amount of fees authorized pursuant to sections  
19 214.270 to 214.516. The fees shall be set at a level to produce revenue that shall  
20 not substantially exceed the cost and expense of administering sections 214.270  
21 to 214.516. All moneys received by the division pursuant to sections 214.270 to  
22 214.516 shall be collected by the director who shall transmit such moneys to the  
23 department of revenue for deposit in the state treasury to the credit of the  
24 endowed care cemetery audit fund created in section 193.265;

25 (b) Rules to administer the inspection and audit provisions of the endowed  
26 care cemetery law;

27 (c) Rules for the establishment and maintenance of the cemetery registry  
28 pursuant to section 214.283.

29 2. Any rule or portion of a rule, as that term is defined in section 536.010,  
30 that is created under the authority delegated in this section shall become effective  
31 only if it complies with and is subject to all of the provisions of chapter 536 and,  
32 if applicable, section 536.028. This section and chapter 536 are nonseverable and  
33 if any of the powers vested with the general assembly pursuant to chapter 536 to  
34 review, to delay the effective date or to disapprove and annul a rule are  
35 subsequently held unconstitutional, then the grant of rulemaking authority and  
36 any rule proposed or adopted after August 28, 2001, shall be invalid and void.

217.010. As used in this chapter and chapter 558, unless the context  
2 clearly indicates otherwise, the following terms shall mean:

3 (1) "Administrative segregation unit", a cell for the segregation of

4 offenders from the general population of a facility for relatively extensive periods  
5 of time;

6 (2) "Board", the [board of probation and] parole **board**;

7 (3) "Chief administrative officer", the institutional head of any  
8 correctional facility or his designee;

9 (4) "Correctional center", any premises or institution where incarceration,  
10 evaluation, care, treatment, or rehabilitation is provided to persons who are  
11 under the department's authority;

12 (5) "Department", the department of corrections of the state of Missouri;

13 (6) "Director", the director of the department of corrections or his  
14 designee;

15 (7) "Disciplinary segregation", a cell for the segregation of offenders from  
16 the general population of a correctional center because the offender has been  
17 found to have committed a violation of a division or facility rule and other  
18 available means are inadequate to regulate the offender's behavior;

19 (8) "Division", a statutorily created agency within the department or an  
20 agency created by the departmental organizational plan;

21 (9) "Division director", the director of a division of the department or his  
22 designee;

23 (10) "Local volunteer community board", a board of qualified local  
24 community volunteers selected by the court for the purpose of working in  
25 partnership with the court and the department of corrections in a reparative  
26 probation program;

27 (11) "Nonviolent offender", any offender who is convicted of a crime other  
28 than murder in the first or second degree, involuntary manslaughter, involuntary  
29 manslaughter in the first or second degree, kidnapping, kidnapping in the first  
30 degree, rape in the first degree, forcible rape, sodomy in the first degree, forcible  
31 sodomy, robbery in the first degree or assault in the first degree;

32 (12) "Offender", a person under supervision or an inmate in the custody  
33 of the department;

34 (13) "Probation", a procedure under which a defendant found guilty of a  
35 crime upon verdict or plea is released by the court without imprisonment, subject  
36 to conditions imposed by the court and subject to the supervision of the [board]  
37 **division of probation of parole**;

38 (14) "Volunteer", any person who, of his own free will, performs any  
39 assigned duties for the department or its divisions with no monetary or material

40 compensation.

217.030. The director shall appoint the directors of the divisions of the  
2 department[, except the chairman of the parole board who shall be appointed by  
3 the governor]. Division directors shall serve at the pleasure of the director[,  
4 except the chairman of the parole board who shall serve in the capacity of  
5 chairman at the pleasure of the governor]. The director of the department shall  
6 be the appointing authority under chapter 36 to employ such administrative,  
7 technical and other personnel who may be assigned to the department generally  
8 rather than to any of the department divisions or facilities and whose  
9 employment is necessary for the performance of the powers and duties of the  
10 department.

217.250. Whenever any offender is afflicted with a disease which is  
2 terminal, or is advanced in age to the extent that the offender is in need of  
3 long-term nursing home care, or when confinement will necessarily greatly  
4 endanger or shorten the offender's life, the correctional center's physician shall  
5 certify such facts to the chief medical administrator, stating the nature of the  
6 disease. The chief medical administrator with the approval of the director will  
7 then forward the certificate to the [board of probation and] parole **board** who in  
8 their discretion may grant a medical parole or at their discretion may recommend  
9 to the governor the granting or denial of a commutation.

217.270. All correctional employees shall:

- 2 (1) Grant to members of the state [board of probation and] parole **board**  
3 or its properly accredited representatives access at all reasonable times to any  
4 offender;
- 5 (2) Furnish to the board the reports that the board requires concerning  
6 the conduct and character of any offender in their custody; and
- 7 (3) Furnish any other facts deemed pertinent by the board in the  
8 determination of whether an offender shall be paroled.

217.362. 1. The department of corrections shall design and implement an  
2 intensive long-term program for the treatment of chronic nonviolent offenders  
3 with serious substance abuse addictions who have not pleaded guilty to or been  
4 convicted of a dangerous felony as defined in section 556.061.

5 2. Prior to sentencing, any judge considering an offender for this program  
6 shall notify the department. The potential candidate for the program shall be  
7 screened by the department to determine eligibility. The department shall, by  
8 regulation, establish eligibility criteria and inform the court of such criteria. The

9 department shall notify the court as to the offender's eligibility and the  
10 availability of space in the program. Notwithstanding any other provision of law  
11 to the contrary, except as provided for in section 558.019, if an offender is eligible  
12 and there is adequate space, the court may sentence a person to the program  
13 which shall consist of institutional drug or alcohol treatment for a period of at  
14 least twelve and no more than twenty-four months, as well as a term of  
15 incarceration. The department shall determine the nature, intensity, duration,  
16 and completion criteria of the education, treatment, and aftercare portions of any  
17 program services provided. Execution of the offender's term of incarceration shall  
18 be suspended pending completion of said program. Allocation of space in the  
19 program may be distributed by the department in proportion to drug arrest  
20 patterns in the state. If the court is advised that an offender is not eligible or  
21 that there is no space available, the court shall consider other authorized  
22 dispositions.

23         3. Upon successful completion of the program, the **[board] division** of  
24 probation and parole shall advise the sentencing court of an offender's  
25 probationary release date thirty days prior to release. If the court determines  
26 that probation is not appropriate the court may order the execution of the  
27 offender's sentence.

28         4. If it is determined by the department that the offender has not  
29 successfully completed the program, or that the offender is not cooperatively  
30 participating in the program, the offender shall be removed from the program and  
31 the court shall be advised. Failure of an offender to complete the program shall  
32 cause the offender to serve the sentence prescribed by the court and void the right  
33 to be considered for probation on this sentence.

34         5. An offender's first incarceration in a department of corrections program  
35 pursuant to this section prior to release on probation shall not be considered a  
36 previous prison commitment for the purpose of determining a minimum prison  
37 term pursuant to the provisions of section 558.019.

217.364. 1. The department of corrections shall establish by regulation  
2 the "Offenders Under Treatment Program". The program shall include  
3 institutional placement of certain offenders, as outlined in subsection 3 of this  
4 section, under the supervision and control of the department of corrections. The  
5 department shall establish rules determining how, when and where an offender  
6 shall be admitted into or removed from the program.

7         2. As used in this section, the term "offenders under treatment program"

8 means a one-hundred-eighty-day institutional correctional program for the  
9 monitoring, control and treatment of certain substance abuse offenders and  
10 certain nonviolent offenders followed by placement on parole with continued  
11 supervision.

12 3. The following offenders may participate in the program as determined  
13 by the department:

14 (1) Any nonviolent offender who has not previously been remanded to the  
15 department and who has been found guilty of violating the provisions of chapter  
16 195 or 579 or whose substance abuse was a precipitating or contributing factor  
17 in the commission of his offense; or

18 (2) Any nonviolent offender who has pled guilty or been found guilty of a  
19 crime which did not involve the use of a weapon, and who has not previously been  
20 remanded to the department.

21 4. This program shall be used as an intermediate sanction by the  
22 department. The program may include education, treatment and rehabilitation  
23 programs. If an offender successfully completes the institutional phase of the  
24 program, the department shall notify the [board of probation and] parole **board**  
25 within thirty days of completion. Upon notification from the department that the  
26 offender has successfully completed the program, the [board of probation and]  
27 parole **board** may at its discretion release the offender on parole as authorized  
28 in subsection 1 of section 217.690.

29 5. The availability of space in the institutional program shall be  
30 determined by the department of corrections.

31 6. If the offender fails to complete the program, the offender shall be  
32 taken out of the program and shall serve the remainder of his sentence with the  
33 department.

34 7. Time spent in the program shall count as time served on the sentence.  
217.455. The request provided for in section 217.450 shall be delivered to  
2 the director, who shall forthwith:

3 (1) Certify the term of commitment under which the offender is being  
4 held, the time already served, the time remaining to be served on the sentence,  
5 the time of parole eligibility of the offender, and any decisions of the state [board  
6 of probation and] parole **board** relating to the offender; and

7 (2) Send by registered or certified mail, return receipt requested, one copy  
8 of the request and certificate to the court and one copy to the prosecuting  
9 attorney to whom it is addressed.

217.541. 1. The department shall by rule establish a program of house  
2 arrest. The director or his designee may extend the limits of confinement of  
3 offenders serving sentences for class D or E felonies who have one year or less  
4 remaining prior to release on parole, conditional release, or discharge to  
5 participate in the house arrest program.

6 2. The offender referred to the house arrest program shall remain in the  
7 custody of the department and shall be subject to rules and regulations of the  
8 department pertaining to offenders of the department until released on parole or  
9 conditional release by the state [board of probation and] parole **board**.

10 3. The department shall require the offender to participate in work or  
11 educational or vocational programs and other activities that may be necessary to  
12 the supervision and treatment of the offender.

13 4. An offender released to house arrest shall be authorized to leave his  
14 place of residence only for the purpose and time necessary to participate in the  
15 program and activities authorized in subsection 3 of this section.

16 5. The [board] **division** of probation and parole shall supervise every  
17 offender released to the house arrest program and shall verify compliance with  
18 the requirements of this section and such other rules and regulations that the  
19 department shall promulgate and may do so by remote electronic surveillance. If  
20 any probation/parole officer has probable cause to believe that an offender under  
21 house arrest has violated a condition of the house arrest agreement, the  
22 probation/parole officer may issue a warrant for the arrest of the offender. The  
23 probation/parole officer may effect the arrest or may deputize any officer with the  
24 power of arrest to do so by giving the officer a copy of the warrant which shall  
25 outline the circumstances of the alleged violation. The warrant delivered with  
26 the offender by the arresting officer to the official in charge of any jail or other  
27 detention facility to which the offender is brought shall be sufficient legal  
28 authority for detaining the offender. An offender arrested under this section  
29 shall remain in custody or incarcerated without consideration of bail. The  
30 director or his designee, upon recommendation of the probation and parole officer,  
31 may direct the return of any offender from house arrest to a correctional facility  
32 of the department for reclassification.

33 6. Each offender who is released to house arrest shall pay a percentage  
34 of his wages, established by department rules, to a maximum of the per capita  
35 cost of the house arrest program. The money received from the offender shall be  
36 deposited in the inmate fund and shall be expended to support the house arrest

37 program.

217.650. As used in sections 217.650 to 217.810, unless the context clearly  
2 indicates otherwise, the following terms mean:

3 (1) ["Board", the state board of probation and parole;

4 (2) "Chairman"] "**Chairperson**", [chairman] **chairperson** of the [board  
5 of probation and] parole **board**;

6 [(3)] (2) "Diversionary program", a program designed to utilize  
7 alternatives to incarceration undertaken under the supervision of the [board]  
8 **division of probation and parole** after commitment of an offense and prior  
9 to arraignment;

10 [(4)] (3) "Parole", the release of an offender to the community by the  
11 court or the state [board of probation and] parole **board** prior to the expiration  
12 of his term, subject to conditions imposed by the court or the [board] **division**  
13 **of probation and parole** and to its supervision;

14 (4) "**Parole Board**", the state **board of probation and parole**;

15 (5) "Prerelease program", a program relating to an offender's preparation  
16 for, or orientation to, supervision by the [board] **division of probation and**  
17 **parole** immediately prior to or immediately after assignment of the offender to  
18 the [board] **division of probation and parole** for supervision;

19 (6) "Pretrial program", a program relating to the investigation or  
20 supervision of persons referred or assigned to the [board] **division of probation**  
21 **and parole** prior to their conviction;

22 (7) "Probation", a procedure under which a defendant found guilty of a  
23 crime upon verdict or plea is released by the court without imprisonment, subject  
24 to conditions imposed by the court and subject to the supervision of the [board]  
25 **division of probation and parole**;

26 (8) "Recognizance program", a program relating to the release of an  
27 individual from detention who is under arrest for an offense for which he may be  
28 released as provided in section 544.455.

217.655. 1. The parole board shall be responsible for determining whether  
2 a person confined in the department shall be paroled or released conditionally as  
3 provided by section 558.011. The **parole** board shall receive administrative  
4 support from the division of probation and parole. The division of probation and  
5 parole shall provide supervision to all persons referred by the circuit courts of the  
6 state as provided by sections 217.750 and 217.760. The **parole** board shall  
7 exercise independence in making decisions about individual cases, but operate

8 cooperatively within the department and with other agencies, officials, courts, and  
9 stakeholders to achieve systemic improvement including the requirements of this  
10 section.

11 2. The **parole** board shall adopt parole guidelines to:

12 (1) Preserve finite prison capacity for the most serious and violent  
13 offenders;

14 (2) Release supervision-manageable cases consistent with section 217.690;

15 (3) Use finite resources guided by validated risk and needs assessments;

16 (4) Support a seamless reentry process;

17 (5) Set appropriate conditions of supervision; and

18 (6) Develop effective strategies for responding to violation behaviors.

19 3. The **parole** board shall collect, analyze, and apply data in carrying out  
20 its responsibilities to achieve its mission and end goals. The **parole** board shall  
21 establish agency performance and outcome measures that are directly responsive  
22 to statutory responsibilities and consistent with agency goals for release  
23 decisions, supervision, revocation, recidivism, and caseloads.

24 4. The **parole** board shall publish parole data, including grant rates,  
25 revocation and recidivism rates, length of time served, and successful supervision  
26 completions, and other performance metrics.

27 5. The **chairperson of the board shall employ, within limits of funds**  
28 **appropriated, such employees as necessary to carry out its**  
29 **responsibilities and** provide for appropriate training to members and staff,  
30 including communication skills.

31 6. The division of probation and parole shall provide such programs as  
32 necessary to carry out its responsibilities consistent with its goals and statutory  
33 obligations.

217.690. 1. All releases or paroles shall issue upon order of the **parole**  
2 board, duly adopted.

3 2. Before ordering the parole of any offender, the **parole** board shall  
4 conduct a validated risk and needs assessment and evaluate the case under the  
5 rules governing parole that are promulgated by the **parole** board. The **parole**  
6 board shall then have the offender appear before a hearing panel and shall  
7 conduct a personal interview with him, unless waived by the offender, or if the  
8 guidelines indicate the offender may be paroled without need for an  
9 interview. The guidelines and rules shall not allow for the waiver of a hearing  
10 if a victim requests a hearing. The appearance or presence may occur by means

11 of a videoconference at the discretion of the **parole** board. A parole may be  
12 ordered for the best interest of society when there is a reasonable probability,  
13 based on the risk assessment and indicators of release readiness, that the person  
14 can be supervised under parole supervision and successfully reintegrated into the  
15 community, not as an award of clemency; it shall not be considered a reduction  
16 of sentence or a pardon. Every offender while on parole shall remain in the legal  
17 custody of the department but shall be subject to the orders of the **parole** board.

18         3. The division of probation and parole has discretionary authority to  
19 require the payment of a fee, not to exceed sixty dollars per month, from every  
20 offender placed under division supervision on probation, parole, or conditional  
21 release, to waive all or part of any fee, to sanction offenders for willful  
22 nonpayment of fees, and to contract with a private entity for fee collections  
23 services. All fees collected shall be deposited in the inmate fund established in  
24 section 217.430. Fees collected may be used to pay the costs of contracted  
25 collections services. The fees collected may otherwise be used to provide  
26 community corrections and intervention services for offenders. Such services  
27 include substance abuse assessment and treatment, mental health assessment  
28 and treatment, electronic monitoring services, residential facilities services,  
29 employment placement services, and other offender community corrections or  
30 intervention services designated by the division of probation and parole to assist  
31 offenders to successfully complete probation, parole, or conditional release. The  
32 **[board] division of probation and parole** shall adopt rules not inconsistent  
33 with law, in accordance with section 217.040, with respect to sanctioning  
34 offenders and with respect to establishing, waiving, collecting, and using fees.

35         4. The **parole** board shall adopt rules not inconsistent with law, in  
36 accordance with section 217.040, with respect to the eligibility of offenders for  
37 parole, the conduct of parole hearings or conditions to be imposed upon paroled  
38 offenders. Whenever an order for parole is issued it shall recite the conditions  
39 of such parole.

40         5. When considering parole for an offender with consecutive sentences, the  
41 minimum term for eligibility for parole shall be calculated by adding the  
42 minimum terms for parole eligibility for each of the consecutive sentences, except  
43 the minimum term for parole eligibility shall not exceed the minimum term for  
44 parole eligibility for an ordinary life sentence.

45         6. Any offender under a sentence for first degree murder who has been  
46 denied release on parole after a parole hearing shall not be eligible for another

47 parole hearing until at least three years from the month of the parole denial;  
48 however, this subsection shall not prevent a release pursuant to subsection 4 of  
49 section 558.011.

50 7. A victim who has requested an opportunity to be heard shall receive  
51 notice that the **parole** board is conducting an assessment of the offender's risk  
52 and readiness for release and that the victim's input will be particularly helpful  
53 when it pertains to safety concerns and specific protective measures that may be  
54 beneficial to the victim should the offender be granted release.

55 8. Parole hearings shall, at a minimum, contain the following procedures:

56 (1) The victim or person representing the victim who attends a hearing  
57 may be accompanied by one other person;

58 (2) The victim or person representing the victim who attends a hearing  
59 shall have the option of giving testimony in the presence of the inmate or to the  
60 hearing panel without the inmate being present;

61 (3) The victim or person representing the victim may call or write the  
62 parole board rather than attend the hearing;

63 (4) The victim or person representing the victim may have a personal  
64 meeting with a **parole** board member at the **parole** board's central office;

65 (5) The judge, prosecuting attorney or circuit attorney and a  
66 representative of the local law enforcement agency investigating the crime shall  
67 be allowed to attend the hearing or provide information to the hearing panel in  
68 regard to the parole consideration; and

69 (6) The **parole** board shall evaluate information listed in the juvenile sex  
70 offender registry pursuant to section 211.425, provided the offender is between  
71 the ages of seventeen and twenty-one, as it impacts the safety of the community.

72 9. The **parole** board shall notify any person of the results of a parole  
73 eligibility hearing if the person indicates to the **parole** board a desire to be  
74 notified.

75 10. The **parole** board may, at its discretion, require any offender seeking  
76 parole to meet certain conditions during the term of that parole so long as said  
77 conditions are not illegal or impossible for the offender to perform. These  
78 conditions may include an amount of restitution to the state for the cost of that  
79 offender's incarceration.

80 11. Special parole conditions shall be responsive to the assessed risk and  
81 needs of the offender or the need for extraordinary supervision, such as electronic  
82 monitoring. The **parole** board shall adopt rules to minimize the conditions

83 placed on low-risk cases, to frontload conditions upon release, and to require the  
84 modification and reduction of conditions based on the person's continuing stability  
85 in the community. **Parole** board rules shall permit parole conditions to be  
86 modified by parole officers with review and approval by supervisors.

87 12. Nothing contained in this section shall be construed to require the  
88 release of an offender on parole nor to reduce the sentence of an offender  
89 heretofore committed.

90 13. Beginning January 1, 2001, the **parole** board shall not order a parole  
91 unless the offender has obtained a high school diploma or its equivalent, or unless  
92 the **parole** board is satisfied that the offender, while committed to the custody  
93 of the department, has made an honest good-faith effort to obtain a high school  
94 diploma or its equivalent; provided that the director may waive this requirement  
95 by certifying in writing to the **parole** board that the offender has actively  
96 participated in mandatory education programs or is academically unable to obtain  
97 a high school diploma or its equivalent.

98 14. Any rule or portion of a rule, as that term is defined in section  
99 536.010, that is created under the authority delegated in this section shall  
100 become effective only if it complies with and is subject to all of the provisions of  
101 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
102 nonseverable and if any of the powers vested with the general assembly pursuant  
103 to chapter 536 to review, to delay the effective date, or to disapprove and annul  
104 a rule are subsequently held unconstitutional, then the grant of rulemaking  
105 authority and any rule proposed or adopted after August 28, 2005, shall be  
106 invalid and void.

217.692. 1. Notwithstanding any other provision of law to the contrary,  
2 any offender incarcerated in a correctional institution serving any sentence of life  
3 with no parole for fifty years or life without parole, whose plea of guilt was  
4 entered or whose trial commenced prior to December 31, 1990, and who:

5 (1) Pleaded guilty to or was found guilty of a homicide of a spouse or  
6 domestic partner;

7 (2) Has no prior violent felony convictions;

8 (3) No longer has a cognizable legal claim or legal recourse; and

9 (4) Has a history of being a victim of continual and substantial physical  
10 or sexual domestic violence that was not presented as an affirmative defense at  
11 trial or sentencing and such history can be corroborated with evidence of facts or  
12 circumstances which existed at the time of the alleged physical or sexual domestic

13 violence of the offender, including but not limited to witness statements, hospital  
14 records, social services records, and law enforcement records;  
15 shall be eligible for parole after having served fifteen years of such sentence when  
16 the **parole** board determines by using the guidelines established by this section  
17 that there is a strong and reasonable probability that the person will not  
18 thereafter violate the law.

19 2. The [board of probation and] parole **board** shall give a thorough review  
20 of the case history and prison record of any offender described in subsection 1 of  
21 this section. At the end of the **parole** board's review, the **parole** board shall  
22 provide the offender with a copy of a statement of reasons for its parole decision.

23 3. Any offender released under the provisions of this section shall be  
24 under the supervision of the parole board for an amount of time to be determined  
25 by the **parole** board.

26 4. The parole board shall consider, but not be limited to the following  
27 criteria when making its parole decision:

28 (1) Length of time served;

29 (2) Prison record and self-rehabilitation efforts;

30 (3) Whether the history of the case included corroborative material of  
31 physical, sexual, mental, or emotional abuse of the offender, including but not  
32 limited to witness statements, hospital records, social service records, and law  
33 enforcement records;

34 (4) If an offer of a plea bargain was made and if so, why the offender  
35 rejected or accepted the offer;

36 (5) Any victim information outlined in subsection 8 of section 217.690 and  
37 section 595.209;

38 (6) The offender's continued claim of innocence;

39 (7) The age and maturity of the offender at the time of the **parole** board's  
40 decision;

41 (8) The age and maturity of the offender at the time of the crime and any  
42 contributing influence affecting the offender's judgment;

43 (9) The presence of a workable parole plan; and

44 (10) Community and family support.

45 5. Nothing in this section shall limit the review of any offender's case who  
46 is eligible for parole prior to fifteen years, nor shall it limit in any way the parole  
47 board's power to grant parole prior to fifteen years.

48 6. Nothing in this section shall limit the review of any offender's case who

49 has applied for executive clemency, nor shall it limit in any way the governor's  
50 power to grant clemency.

51 7. It shall be the responsibility of the offender to petition the **parole**  
52 board for a hearing under this section.

53 8. A person commits the crime of perjury if he or she, with the purpose to  
54 deceive, knowingly makes a false witness statement to the **parole** board. Perjury  
55 under this section shall be a class D felony.

56 9. In cases where witness statements alleging physical or sexual domestic  
57 violence are in conflict as to whether such violence occurred or was continual and  
58 substantial in nature, the history of such alleged violence shall be established by  
59 other corroborative evidence in addition to witness statements, as provided by  
60 subsection 1 of this section. A contradictory statement of the victim shall not be  
61 deemed a conflicting statement for purposes of this section.

217.695. 1. As used in this section, the following terms mean:

2 (1) "Chief law enforcement official", the county sheriff, chief of police or  
3 other public official responsible for enforcement of criminal laws within a county  
4 or city not within a county;

5 (2) "County" includes a city not within a county;

6 (3) "Offender", a person in the custody of the department or under the  
7 supervision of the **parole** board.

8 2. Each offender to be released from custody of the department who will  
9 be under the supervision of the [board] **division of probation and parole**,  
10 except an offender transferred to another state pursuant to the interstate  
11 corrections compact, shall shortly before release be required to: complete a  
12 registration form indicating his intended address upon release, employer, parent's  
13 address, and such other information as may be required; submit to photographs;  
14 submit to fingerprints; or undergo other identification procedures including but  
15 not limited to hair samples or other identification indicia. All data and indicia  
16 of identification shall be compiled in duplicate, with one set to be retained by the  
17 department, and one set for the chief law enforcement official of the county of  
18 intended residence.

19 3. Any offender subject to the provisions of this section who changes his  
20 county of residence shall, in addition to notifying the [board] **division** of  
21 probation and parole, notify and register with the chief law enforcement official  
22 of the county of residence within seven days after he changes his residence to that  
23 county.

24           4. Failure by an offender to register with the chief law enforcement official  
25 upon a change in the county of his residence shall be cause for revocation of the  
26 parole of the person except for good cause shown.

27           5. The department, the **[board] division of probation and parole**, and  
28 the chief law enforcement official shall cause the information collected on the  
29 initial registration and any subsequent changes in residence or registration to be  
30 recorded with the highway patrol criminal information system.

31           6. The director of the department of public safety shall design and  
32 distribute the registration forms required by this section and shall provide any  
33 administrative assistance needed to facilitate the provisions of this section.

217.710. 1. Probation and parole officers, supervisors and members of the  
2 **[board of probation and] parole board**, who are certified pursuant to the  
3 requirements of subsection 2 of this section shall have the authority to carry their  
4 firearms at all times. The department of corrections shall promulgate policies  
5 and operating regulations which govern the use of firearms by probation and  
6 parole officers, supervisors and members of the **parole board** when carrying out  
7 the provisions of sections 217.650 to 217.810. Mere possession of a firearm shall  
8 not constitute an employment activity for the purpose of calculating compensatory  
9 time or overtime.

10           2. The department shall determine the content of the required firearms  
11 safety training and provide firearms certification and recertification training for  
12 probation and parole officers, supervisors and members of the **[board of probation  
13 and] parole board**. A minimum of sixteen hours of firearms safety training shall  
14 be required. In no event shall firearms certification or recertification training for  
15 probation and parole officers and supervisors exceed the training required for  
16 officers of the state highway patrol.

17           3. The department shall determine the type of firearm to be carried by the  
18 officers, supervisors and members of the **[board of probation and] parole board**.

19           4. Any officer, supervisor or member of the **[board of probation and]  
20 parole board** that chooses to carry a firearm in the performance of such officer's,  
21 supervisor's or member's duties shall purchase the firearm and holster.

22           5. The department shall furnish such ammunition as is necessary for the  
23 performance of the officer's, supervisor's and member's duties.

24           6. Any rule or portion of a rule, as that term is defined in section 536.010,  
25 that is promulgated under the authority of this chapter, shall become effective  
26 only if the agency has fully complied with all of the requirements of chapter 536

27 including but not limited to, section 536.028, if applicable, after August 28, 1998.  
28 All rulemaking authority delegated prior to August 28, 1998, is of no force and  
29 effect and repealed as of August 28, 1998, however nothing in section 571.030 or  
30 this section shall be interpreted to repeal or affect the validity of any rule  
31 adopted and promulgated prior to August 28, 1998. If the provisions of section  
32 536.028 apply, the provisions of this section are nonseverable and if any of the  
33 powers vested with the general assembly pursuant to section 536.028 to review,  
34 to delay the effective date, or to disapprove and annul a rule or portion of a rule  
35 are held unconstitutional or invalid, the purported grant of rulemaking authority  
36 and any rule so proposed and contained in the order of rulemaking shall be  
37 invalid and void, except that nothing in section 571.030 or this section shall affect  
38 the validity of any rule adopted and promulgated prior to August 28, 1998.

217.735. 1. Notwithstanding any other provision of law to the contrary,  
2 the division of probation and parole shall supervise an offender for the duration  
3 of his or her natural life when the offender has been found guilty of an offense  
4 under:

5 (1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100,  
6 566.151, 566.212, 566.213, 568.020, 568.080, or 568.090 based on an act  
7 committed on or after August 28, 2006; or

8 (2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based  
9 on an act committed on or after January 1, 2017, against a victim who was less  
10 than fourteen years old and the offender is a prior sex offender as defined in  
11 subsection 2 of this section.

12 2. For the purpose of this section, a prior sex offender is a person who has  
13 previously pleaded guilty to or been found guilty of an offense contained in  
14 chapter 566 or violating section 568.020 when the person had sexual intercourse  
15 or deviate sexual intercourse with the victim, or violating subdivision (2) of  
16 subsection 1 of section 568.045.

17 3. Subsection 1 of this section applies to offenders who have been granted  
18 probation, and to offenders who have been released on parole, conditional release,  
19 or upon serving their full sentence without early release. Supervision of an  
20 offender who was released after serving his or her full sentence will be considered  
21 as supervision on parole.

22 4. A mandatory condition of lifetime supervision of an offender under this  
23 section is that the offender be electronically monitored. Electronic monitoring  
24 shall be based on a global positioning system or other technology that identifies

25 and records the offender's location at all times.

26           5. In appropriate cases as determined by a risk assessment, the **parole**  
27 board may terminate the supervision of an offender who is being supervised  
28 under this section when the offender is sixty-five years of age or older.

29           6. In accordance with section 217.040, the [board] **division of probation**  
30 **and parole** may adopt rules relating to supervision and electronic monitoring of  
31 offenders under this section.

          217.829. 1. The department shall develop a form which shall be used by  
2 the department to obtain information from all offenders regarding their assets.

3           2. The form shall be submitted to each offender as of the date the form is  
4 developed and to every offender who thereafter is sentenced to imprisonment  
5 under the jurisdiction of the department. The form may be resubmitted to an  
6 offender by the department for purposes of obtaining current information  
7 regarding assets of the offender.

8           3. Every offender shall complete the form or provide for completion of the  
9 form and the offender shall swear or affirm under oath that to the best of his or  
10 her knowledge the information provided is complete and accurate. Any person  
11 who shall knowingly provide false information on said form to state officials or  
12 employees shall be guilty of the crime of making a false affidavit as provided by  
13 section 575.050.

14           4. Failure by an offender to fully, adequately and correctly complete the  
15 form may be considered by the [board of probation and] parole **board** for  
16 purposes of a parole determination, and in determining an offender's parole  
17 release date or eligibility and shall constitute sufficient grounds for denial of  
18 parole.

19           5. Prior to release of any offender from imprisonment, and again prior to  
20 release from the jurisdiction of the department, the department shall request  
21 from the offender an assignment of ten percent of any wages, salary, benefits or  
22 payments from any source. Such an assignment shall be valid for the longer  
23 period of five years from the date of its execution, or five years from the date that  
24 the offender is released from the jurisdiction of the department or any of its  
25 divisions or agencies. The assignment shall secure payment of the total cost of  
26 care of the offender executing the assignment. The restrictions on the maximum  
27 amount of earnings subject to garnishment contained in section 525.030 shall  
28 apply to earnings subject to assignments executed pursuant to this subsection.

          549.500. All documents prepared or obtained in the discharge of official

2 duties by any member or employee of the [board of probation and] parole **board**  
3 **or employee of the division of probation and parole** shall be privileged and  
4 shall not be disclosed directly or indirectly to anyone other than members of the  
5 **parole** board and other authorized employees of the department pursuant to  
6 section 217.075. The **parole** board may at its discretion permit the inspection  
7 of the report or parts thereof by the offender or his attorney or other persons  
8 having a proper interest therein.

557.051. 1. A person who has been found guilty of an offense under  
2 chapter 566, or any sex offense involving a child under chapter 568 or 573, and  
3 who is granted a suspended imposition or execution of sentence or placed under  
4 the supervision of the [board] **division** of probation and parole shall be required  
5 to participate in and successfully complete a program of treatment, education and  
6 rehabilitation designed for perpetrators of sexual offenses. Persons required to  
7 attend a program under this section shall be required to follow all directives of  
8 the treatment program provider, and may be charged a reasonable fee to cover  
9 the costs of such program.

10 2. A person who provides assessment services or who makes a report,  
11 finding, or recommendation for any offender to attend any counseling or program  
12 of treatment, education or rehabilitation as a condition or requirement of  
13 probation following a finding of guilt for an offense under chapter 566, or any sex  
14 offense involving a child under chapter 568 or 573, shall not be related within the  
15 third degree of consanguinity or affinity to any person who has a financial  
16 interest, whether direct or indirect, in the counseling or program of treatment,  
17 education or rehabilitation or any financial interest, whether direct or indirect,  
18 in any private entity which provides the counseling or program of treatment,  
19 education or rehabilitation. A person who violates this subsection shall  
20 thereafter:

21 (1) Immediately remit to the state of Missouri any financial income gained  
22 as a direct or indirect result of the action constituting the violation;

23 (2) Be prohibited from providing assessment or counseling services or any  
24 program of treatment, education or rehabilitation to, for, on behalf of, at the  
25 direction of, or in contract with the [state board] **division** of probation and  
26 parole or any office thereof; and

27 (3) Be prohibited from having any financial interest, whether direct or  
28 indirect, in any private entity which provides assessment or counseling services  
29 or any program of treatment, education or rehabilitation to, for, on behalf of, at

30 the direction of, or in contract with the [state board] **division** of probation and  
31 parole or any office thereof.

32 3. The provisions of subsection 2 of this section shall not apply when the  
33 department of corrections has identified only one qualified service provider within  
34 reasonably accessible distance from the offender or when the only providers  
35 available within a reasonable distance are related within the third degree of  
36 consanguinity or affinity to any person who has a financial interest in the service  
37 provider.

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

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

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

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

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

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

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

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

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

14 2. In cases of class D and E felonies, the court shall have discretion to  
15 imprison for a special term not to exceed one year in the county jail or other  
16 authorized penal institution, and the place of confinement shall be fixed by the  
17 court. If the court imposes a sentence of imprisonment for a term longer than one  
18 year upon a person convicted of a class D or E felony, it shall commit the person  
19 to the custody of the department of corrections.

20 3. (1) When a regular sentence of imprisonment for a felony is imposed,  
21 the court shall commit the person to the custody of the department of corrections  
22 for the term imposed under section 557.036, or until released under procedures  
23 established elsewhere by law.

24 (2) A sentence of imprisonment for a misdemeanor shall be for a definite  
25 term and the court shall commit the person to the county jail or other authorized  
26 penal institution for the term of his or her sentence or until released under  
27 procedure established elsewhere by law.

28 4. (1) Except as otherwise provided, a sentence of imprisonment for a

29 term of years for felonies other than dangerous felonies as defined in section  
30 556.061, and other than sentences of imprisonment which involve the individual's  
31 fourth or subsequent remand to the department of corrections shall consist of a  
32 prison term and a conditional release term. The conditional release term of any  
33 term imposed under section 557.036 shall be:

34 (a) One-third for terms of nine years or less;

35 (b) Three years for terms between nine and fifteen years;

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

39 (2) "Conditional release" means the conditional discharge of an offender  
40 by the [board of probation and] parole **board**, subject to conditions of release that  
41 the **parole** board deems reasonable to assist the offender to lead a law-abiding  
42 life, and subject to the supervision under the [state board] **division** of probation  
43 and parole. The conditions of release shall include avoidance by the offender of  
44 any other offense, federal or state, and other conditions that the **parole** board in  
45 its discretion deems reasonably necessary to assist the releasee in avoiding  
46 further violation of the law.

47 5. The date of conditional release from the prison term may be extended  
48 up to a maximum of the entire sentence of imprisonment by the [board of  
49 probation and] parole **board**. The director of any division of the department of  
50 corrections except the [board] **division** of probation and parole may file with the  
51 [board of probation and] parole **board** a petition to extend the conditional release  
52 date when an offender fails to follow the rules and regulations of the division or  
53 commits an act in violation of such rules. Within ten working days of receipt of  
54 the petition to extend the conditional release date, the [board of probation and]  
55 parole **board** shall convene a hearing on the petition. The offender shall be  
56 present and may call witnesses in his or her behalf and cross-examine witnesses  
57 appearing against the offender. The hearing shall be conducted as provided in  
58 section 217.670. If the violation occurs in close proximity to the conditional  
59 release date, the conditional release may be held for a maximum of fifteen  
60 working days to permit necessary time for the division director to file a petition  
61 for an extension with the **parole** board and for the **parole** board to conduct a  
62 hearing, provided some affirmative manifestation of an intent to extend the  
63 conditional release has occurred prior to the conditional release date. If at the  
64 end of a fifteen-working-day period a **parole** board decision has not been reached,

65 the offender shall be released conditionally. The decision of the **parole** board  
66 shall be final.

558.026. 1. Multiple sentences of imprisonment shall run concurrently  
2 unless the court specifies that they shall run consecutively; except in the case of  
3 multiple sentences of imprisonment imposed for any offense committed during or  
4 at the same time as, or multiple offenses of, the following felonies:

- 5 (1) Rape in the first degree, forcible rape, or rape;
- 6 (2) Statutory rape in the first degree;
- 7 (3) Sodomy in the first degree, forcible sodomy, or sodomy;
- 8 (4) Statutory sodomy in the first degree; or
- 9 (5) An attempt to commit any of the felonies listed in this subsection. In  
10 such case, the sentence of imprisonment imposed for any felony listed in this  
11 subsection or an attempt to commit any of the aforesaid shall run consecutively  
12 to the other sentences. The sentences imposed for any other offense may run  
13 concurrently.

14 2. If a person who is on probation, parole or conditional release is  
15 sentenced to a term of imprisonment for an offense committed after the granting  
16 of probation or parole or after the start of his conditional release term, the court  
17 shall direct the manner in which the sentence or sentences imposed by the court  
18 shall run with respect to any resulting probation, parole or conditional release  
19 revocation term or terms. If the subsequent sentence to imprisonment is in  
20 another jurisdiction, the court shall specify how any resulting probation, parole  
21 or conditional release revocation term or terms shall run with respect to the  
22 foreign sentence of imprisonment.

23 3. A court may cause any sentence it imposes to run concurrently with a  
24 sentence an individual is serving or is to serve in another state or in a federal  
25 correctional center. If the Missouri sentence is served in another state or in a  
26 federal correctional center, subsection 4 of section 558.011 and section 217.690  
27 shall apply as if the individual were serving his sentence within the department  
28 of corrections of the state of Missouri, except that a personal hearing before the  
29 [board of probation and] parole **board** shall not be required for parole  
30 consideration.

558.031. 1. A sentence of imprisonment shall commence when a person  
2 convicted of an offense in this state is received into the custody of the department  
3 of corrections or other place of confinement where the offender is sentenced. Such  
4 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 and before the  
6 commencement of the sentence, when the time in custody was related to that  
7 offense, except:

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

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

12 (3) As provided in section 559.100.

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

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

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

29 5. If a person released from imprisonment on parole or serving a  
30 conditional release term violates any of the conditions of his or her parole or  
31 release, he or she may be treated as a parole violator. If the [board of probation  
32 and] parole **board** revokes the parole or conditional release, the paroled person  
33 shall serve the remainder of the prison term and conditional release term, as an  
34 additional prison term, and the conditionally released person shall serve the  
35 remainder of the conditional release term as a prison term, unless released on  
36 parole.

558.046. The sentencing court may, upon petition, reduce any term of  
2 sentence or probation pronounced by the court or a term of conditional release or  
3 parole pronounced by the [state board of probation and] parole **board** if the court  
4 determines that:

5 (1) The convicted person was:

6 (a) Convicted of an offense that did not involve violence or the threat of  
7 violence; and

8 (b) Convicted of an offense that involved alcohol or illegal drugs; and

9 (2) Since the commission of such offense, the convicted person has  
10 successfully completed a detoxification and rehabilitation program; and

11 (3) The convicted person is not:

12 (a) A prior offender, a persistent offender, a dangerous offender or a  
13 persistent misdemeanor offender as defined by section 558.016; or

14 (b) A persistent sexual offender as defined in section 566.125; or

15 (c) A prior offender, a persistent offender or a class X offender as defined  
16 in section 558.019.

559.026. Except in infraction cases, when probation is granted, the court,  
2 in addition to conditions imposed pursuant to section 559.021, may require as a  
3 condition of probation that the offender submit to a period of detention up to  
4 forty-eight hours after the determination by a probation or parole officer that the  
5 offender violated a condition of continued probation or parole in an appropriate  
6 institution at whatever time or intervals within the period of probation,  
7 consecutive or nonconsecutive, the court shall designate, or the [board] **division**  
8 of probation and parole shall direct. Any person placed on probation in a county  
9 of the first class or second class or in any city with a population of five hundred  
10 thousand or more and detained as herein provided shall be subject to all  
11 provisions of section 221.170, even though he was not convicted and sentenced to  
12 a jail or workhouse.

13 (1) In misdemeanor cases, the period of detention under this section shall  
14 not exceed the shorter of thirty days or the maximum term of imprisonment  
15 authorized for the misdemeanor by chapter 558.

16 (2) In felony cases, the period of detention under this section shall not  
17 exceed one hundred twenty days.

18 (3) If probation is revoked and a term of imprisonment is served by reason  
19 thereof, the time spent in a jail, half-way house, honor center, workhouse or other  
20 institution as a detention condition of probation shall be credited against the  
21 prison or jail term served for the offense in connection with which the detention  
22 condition was imposed.

559.105. 1. Any person who has been found guilty of or has pled guilty  
2 to an offense may be ordered by the court to make restitution to the victim for the

3 victim's losses due to such offense. Restitution pursuant to this section shall  
4 include, but not be limited to a victim's reasonable expenses to participate in the  
5 prosecution of the crime.

6         2. No person ordered by the court to pay restitution pursuant to this  
7 section shall be released from probation until such restitution is complete. If full  
8 restitution is not made within the original term of probation, the court shall order  
9 the maximum term of probation allowed for such offense.

10         3. Any person eligible to be released on parole shall be required, as a  
11 condition of parole, to make restitution pursuant to this section. The [board of  
12 probation and] parole **board** shall not release any person from any term of parole  
13 for such offense until the person has completed such restitution, or until the  
14 maximum term of parole for such offense has been served.

15         4. The court may set an amount of restitution to be paid by the  
16 defendant. Said amount may be taken from the inmate's account at the  
17 department of corrections while the defendant is incarcerated. Upon conditional  
18 release or parole, if any amount of such court-ordered restitution is unpaid, the  
19 payment of the unpaid balance may be collected as a condition of conditional  
20 release or parole by the prosecuting attorney or circuit attorney under section  
21 559.100. The prosecuting attorney or circuit attorney may refer any failure to  
22 make such restitution as a condition of conditional release or parole to the parole  
23 board for enforcement.

559.106. 1. Notwithstanding any statutory provision to the contrary,  
2 when a court grants probation to an offender who has been found guilty of an  
3 offense in:

4         (1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100,  
5 566.151, [566.212, 566.213] **566.210, 566.211**, 568.020, [568.080, or 568.090]  
6 **573.200, or 573.205**, based on an act committed on or after August 28, 2006; or

7         (2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based  
8 on an act committed on or after January 1, 2017, against a victim who was less  
9 than fourteen years of age and the offender is a prior sex offender as defined in  
10 subsection 2 of this section;

11 the court shall order that the offender be supervised by the [board] **division** of  
12 probation and parole for the duration of his or her natural life.

13         2. For the purpose of this section, a prior sex offender is a person who has  
14 previously been found guilty of an offense contained in chapter 566, or violating  
15 section 568.020, when the person had sexual intercourse or deviate sexual

16 intercourse with the victim, or of violating subdivision (2) of subsection 1 of  
17 section 568.045.

18         3. When probation for the duration of the offender's natural life has been  
19 ordered, a mandatory condition of such probation is that the offender be  
20 electronically monitored. Electronic monitoring shall be based on a global  
21 positioning system or other technology that identifies and records the offender's  
22 location at all times.

23         4. In appropriate cases as determined by a risk assessment, the court may  
24 terminate the probation of an offender who is being supervised under this section  
25 when the offender is sixty-five years of age or older.

559.115. 1. Neither probation nor parole shall be granted by the circuit  
2 court between the time the transcript on appeal from the offender's conviction has  
3 been filed in appellate court and the disposition of the appeal by such court.

4         2. Unless otherwise prohibited by subsection 8 of this section, a circuit  
5 court only upon its own motion and not that of the state or the offender shall  
6 have the power to grant probation to an offender anytime up to one hundred  
7 twenty days after such offender has been delivered to the department of  
8 corrections but not thereafter. The court may request information and a  
9 recommendation from the department concerning the offender and such offender's  
10 behavior during the period of incarceration. Except as provided in this section,  
11 the court may place the offender on probation in a program created pursuant to  
12 section 217.777, or may place the offender on probation with any other conditions  
13 authorized by law.

14         3. The court may recommend placement of an offender in a department  
15 of corrections one hundred twenty-day program under this subsection or order  
16 such placement under subsection 4 of section 559.036. Upon the recommendation  
17 or order of the court, the department of corrections shall assess each offender to  
18 determine the appropriate one hundred twenty-day program in which to place the  
19 offender, which may include placement in the shock incarceration program or  
20 institutional treatment program. When the court recommends and receives  
21 placement of an offender in a department of corrections one hundred twenty-day  
22 program, the offender shall be released on probation if the department of  
23 corrections determines that the offender has successfully completed the program  
24 except as follows. Upon successful completion of a program under this subsection,  
25 the [board] **division** of probation and parole shall advise the sentencing court  
26 of an offender's probationary release date thirty days prior to release. The court

27 shall follow the recommendation of the department unless the court determines  
28 that probation is not appropriate. If the court determines that probation is not  
29 appropriate, the court may order the execution of the offender's sentence only  
30 after conducting a hearing on the matter within ninety to one hundred twenty  
31 days from the date the offender was delivered to the department of corrections.  
32 If the department determines the offender has not successfully completed a one  
33 hundred twenty-day program under this subsection, the offender shall be removed  
34 from the program and the court shall be advised of the removal. The department  
35 shall report on the offender's participation in the program and may provide  
36 recommendations for terms and conditions of an offender's probation. The court  
37 shall then have the power to grant probation or order the execution of the  
38 offender's sentence.

39         4. If the court is advised that an offender is not eligible for placement in  
40 a one hundred twenty-day program under subsection 3 of this section, the court  
41 shall consider other authorized dispositions. If the department of corrections one  
42 hundred twenty-day program under subsection 3 of this section is full, the court  
43 may place the offender in a private program approved by the department of  
44 corrections or the court, the expenses of such program to be paid by the offender,  
45 or in an available program offered by another organization. If the offender is  
46 convicted of a class C, class D, or class E nonviolent felony, the court may order  
47 probation while awaiting appointment to treatment.

48         5. Except when the offender has been found to be a predatory sexual  
49 offender pursuant to section 566.125, the court shall request the department of  
50 corrections to conduct a sexual offender assessment if the defendant has been  
51 found guilty of sexual abuse when classified as a class B felony. Upon completion  
52 of the assessment, the department shall provide to the court a report on the  
53 offender and may provide recommendations for terms and conditions of an  
54 offender's probation. The assessment shall not be considered a one hundred  
55 twenty-day program as provided under subsection 3 of this section. The process  
56 for granting probation to an offender who has completed the assessment shall be  
57 as provided under subsections 2 and 6 of this section.

58         6. Unless the offender is being granted probation pursuant to successful  
59 completion of a one hundred twenty-day program the circuit court shall notify the  
60 state in writing when the court intends to grant probation to the offender  
61 pursuant to the provisions of this section. The state may, in writing, request a  
62 hearing within ten days of receipt of the court's notification that the court intends

63 to grant probation. Upon the state's request for a hearing, the court shall grant  
64 a hearing as soon as reasonably possible. If the state does not respond to the  
65 court's notice in writing within ten days, the court may proceed upon its own  
66 motion to grant probation.

67 7. An offender's first incarceration under this section prior to release on  
68 probation shall not be considered a previous prison commitment for the purpose  
69 of determining a minimum prison term under the provisions of section 558.019.

70 8. Notwithstanding any other provision of law, probation may not be  
71 granted pursuant to this section to offenders who have been convicted of murder  
72 in the second degree pursuant to section 565.021; forcible rape pursuant to  
73 section 566.030 as it existed prior to August 28, 2013; rape in the first degree  
74 under section 566.030; forcible sodomy pursuant to section 566.060 as it existed  
75 prior to August 28, 2013; sodomy in the first degree under section 566.060;  
76 statutory rape in the first degree pursuant to section 566.032; statutory sodomy  
77 in the first degree pursuant to section 566.062; child molestation in the first  
78 degree pursuant to section 566.067 when classified as a class A felony; abuse of  
79 a child pursuant to section 568.060 when classified as a class A felony; or an  
80 offender who has been found to be a predatory sexual offender pursuant to section  
81 566.125; or any offense in which there exists a statutory prohibition against  
82 either probation or parole.

559.125. 1. The clerk of the court shall keep in a permanent file all  
2 applications for probation or parole by the court, and shall keep in such manner  
3 as may be prescribed by the court complete and full records of all presentence  
4 investigations requested, probations or paroles granted, revoked or terminated  
5 and all discharges from probations or paroles. All court orders relating to any  
6 presentence investigation requested and probation or parole granted under the  
7 provisions of this chapter and sections 558.011 and 558.026 shall be kept in a like  
8 manner, and, if the defendant subject to any such order is subject to an  
9 investigation or is under the supervision of the [state board] **division** of  
10 probation and parole, a copy of the order shall be sent to the [board] **division of**  
11 **probation and parole**. In any county where a parole board ceases to exist, the  
12 clerk of the court shall preserve the records of that **parole** board.

13 2. Information and data obtained by a probation or parole officer shall be  
14 privileged information and shall not be receivable in any court. Such information  
15 shall not be disclosed directly or indirectly to anyone other than the members of  
16 a parole board and the judge entitled to receive reports, except the court, **the**

17 **division of probation and parole**, or the **parole** board may in its discretion  
18 permit the inspection of the report, or parts of such report, by the defendant, or  
19 offender or his or her attorney, or other person having a proper interest therein.

20 3. The provisions of subsection 2 of this section notwithstanding, the  
21 presentence investigation report shall be made available to the state and all  
22 information and data obtained in connection with preparation of the presentence  
23 investigation report may be made available to the state at the discretion of the  
24 court upon a showing that the receipt of the information and data is in the best  
25 interest of the state.

559.600. 1. In cases where the [board of probation and] parole **board** is  
2 not required under section 217.750 to provide probation supervision and  
3 rehabilitation services for misdemeanor offenders, the circuit and associate circuit  
4 judges in a circuit may contract with one or more private entities or other  
5 court-approved entity to provide such services. The court-approved entity,  
6 including private or other entities, shall act as a misdemeanor probation office in  
7 that circuit and shall, pursuant to the terms of the contract, supervise persons  
8 placed on probation by the judges for class A, B, C, and D misdemeanor offenses,  
9 specifically including persons placed on probation for violations of section  
10 577.023. Nothing in sections 559.600 to 559.615 shall be construed to prohibit  
11 the [board] **division** of probation and parole, or the court, from supervising  
12 misdemeanor offenders in a circuit where the judges have entered into a contract  
13 with a probation entity.

14 2. In all cases, the entity providing such private probation service shall  
15 utilize the cutoff concentrations utilized by the department of corrections with  
16 regard to drug and alcohol screening for clients assigned to such entity. A drug  
17 test is positive if drug presence is at or above the cutoff concentration or negative  
18 if no drug is detected or if drug presence is below the cutoff concentration.

19 3. In all cases, the entity providing such private probation service shall  
20 not require the clients assigned to such entity to travel in excess of fifty miles in  
21 order to attend their regular probation meetings.

559.602. A private entity seeking to provide probation supervision and  
2 rehabilitation services to misdemeanor offenders shall make timely written  
3 application to the judges in a circuit. When approved by the judges of a circuit,  
4 the application, the judicial order of approval and the contract shall be forwarded  
5 to the [board] **division** of probation and parole. The contract shall contain the  
6 responsibilities of the private entity, including the offenses for which persons will

7 be supervised. The [board] **division** may then withdraw supervision of  
8 misdemeanor offenders which are to be supervised by the court-approved private  
9 entity in that circuit.

559.607. 1. Judges of the municipal division in any circuit, acting through  
2 a chief or presiding judge, either may contract with a private or public entity or  
3 may employ any qualified person to serve as the city's probation officer to provide  
4 probation and rehabilitation services for persons placed on probation for violation  
5 of any ordinance of the city, specifically including the offense of operating or  
6 being in physical control of a motor vehicle while under the influence of  
7 intoxicating liquor or narcotic drugs. The contracting city shall not be required  
8 to pay for any part of the cost of probation and rehabilitation services authorized  
9 under sections 559.600 to 559.615. Persons found guilty or pleading guilty to  
10 ordinance violations and placed on probation by municipal or city court judges  
11 shall contribute a service fee to the court in the amount set forth in section  
12 559.604 to pay the cost of their probation supervision provided by a probation  
13 officer employed by the court or by a contract probation officer as provided for in  
14 section 559.604.

15 2. When approved by municipal court judges in the municipal division, the  
16 application, judicial order of approval, and the contract shall be forwarded to and  
17 filed with the [board] **division** of probation and parole. The court-approved  
18 private or public entity or probation officer employed by the court shall then  
19 function as the probation office for the city, pursuant to the terms of the contract  
20 or conditions of employment and the terms of probation ordered by the  
21 judge. Any city in this state which presently does not have probation services  
22 available for persons convicted of its ordinance violations, or that contracts out  
23 those services with a private entity, may, under the procedures authorized in  
24 sections 559.600 to 559.615, contract with and continue to contract with a private  
25 entity or employ any qualified person and contract with the municipal division  
26 to provide such probation supervision and rehabilitation services.

566.145. 1. A person commits the offense of sexual conduct with a  
2 prisoner or offender if he or she:

3 (1) Is an employee of, or assigned to work in, any jail, prison or  
4 correctional facility and engages in sexual conduct with a prisoner or an offender  
5 who is confined in a jail, prison, or correctional facility; or

6 (2) Is a probation and parole officer and engages in sexual conduct with  
7 an offender who is under the direct supervision of the officer.

8           2. For the purposes of this section the following terms shall mean:

9           (1) "Offender", includes any person in the custody of a prison or  
10       correctional facility and any person who is under the supervision of the [state  
11       board] **division** of probation and parole;

12           (2) "Prisoner", includes any person who is in the custody of a jail, whether  
13       pretrial or after disposition of a charge.

14           3. The offense of sexual conduct with a prisoner or offender is a class E  
15       felony.

16           4. Consent of a prisoner or offender is not a defense.

571.030. 1. A person commits the offense of unlawful use of weapons,  
2       except as otherwise provided by sections 571.101 to 571.121, if he or she  
3       knowingly:

4           (1) Carries concealed upon or about his or her person a knife, a firearm,  
5       a blackjack or any other weapon readily capable of lethal use into any area where  
6       firearms are restricted under section 571.107; or

7           (2) Sets a spring gun; or

8           (3) Discharges or shoots a firearm into a dwelling house, a railroad train,  
9       boat, aircraft, or motor vehicle as defined in section 302.010, or any building or  
10       structure used for the assembling of people; or

11           (4) Exhibits, in the presence of one or more persons, any weapon readily  
12       capable of lethal use in an angry or threatening manner; or

13           (5) Has a firearm or projectile weapon readily capable of lethal use on his  
14       or her person, while he or she is intoxicated, and handles or otherwise uses such  
15       firearm or projectile weapon in either a negligent or unlawful manner or  
16       discharges such firearm or projectile weapon unless acting in self-defense; or

17           (6) Discharges a firearm within one hundred yards of any occupied  
18       schoolhouse, courthouse, or church building; or

19           (7) Discharges or shoots a firearm at a mark, at any object, or at random,  
20       on, along or across a public highway or discharges or shoots a firearm into any  
21       outbuilding; or

22           (8) Carries a firearm or any other weapon readily capable of lethal use  
23       into any church or place where people have assembled for worship, or into any  
24       election precinct on any election day, or into any building owned or occupied by  
25       any agency of the federal government, state government, or political subdivision  
26       thereof; or

27           (9) Discharges or shoots a firearm at or from a motor vehicle, as defined

28 in section 301.010, discharges or shoots a firearm at any person, or at any other  
29 motor vehicle, or at any building or habitable structure, unless the person was  
30 lawfully acting in self-defense; or

31 (10) Carries a firearm, whether loaded or unloaded, or any other weapon  
32 readily capable of lethal use into any school, onto any school bus, or onto the  
33 premises of any function or activity sponsored or sanctioned by school officials or  
34 the district school board; or

35 (11) Possesses a firearm while also knowingly in possession of a controlled  
36 substance that is sufficient for a felony violation of section 579.015.

37 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not  
38 apply to the persons described in this subsection, regardless of whether such uses  
39 are reasonably associated with or are necessary to the fulfillment of such person's  
40 official duties except as otherwise provided in this subsection. Subdivisions (3),  
41 (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any  
42 of the following persons, when such uses are reasonably associated with or are  
43 necessary to the fulfillment of such person's official duties, except as otherwise  
44 provided in this subsection:

45 (1) All state, county and municipal peace officers who have completed the  
46 training required by the police officer standards and training commission  
47 pursuant to sections 590.030 to 590.050 and who possess the duty and power of  
48 arrest for violation of the general criminal laws of the state or for violation of  
49 ordinances of counties or municipalities of the state, whether such officers are on  
50 or off duty, and whether such officers are within or outside of the law  
51 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined  
52 in subsection 12 of this section, and who carry the identification defined in  
53 subsection 13 of this section, or any person summoned by such officers to assist  
54 in making arrests or preserving the peace while actually engaged in assisting  
55 such officer;

56 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails  
57 and other institutions for the detention of persons accused or convicted of crime;

58 (3) Members of the Armed Forces or National Guard while performing  
59 their official duty;

60 (4) Those persons vested by Article V, Section 1 of the Constitution of  
61 Missouri with the judicial power of the state and those persons vested by Article  
62 III of the Constitution of the United States with the judicial power of the United  
63 States, the members of the federal judiciary;

64 (5) Any person whose bona fide duty is to execute process, civil or  
65 criminal;

66 (6) Any federal probation officer or federal flight deck officer as defined  
67 under the federal flight deck officer program, 49 U.S.C. Section 44921, regardless  
68 of whether such officers are on duty, or within the law enforcement agency's  
69 jurisdiction;

70 (7) Any state probation or parole officer, including supervisors and  
71 members of the [board of probation and] parole **board**;

72 (8) Any corporate security advisor meeting the definition and fulfilling the  
73 requirements of the regulations established by the department of public safety  
74 under section 590.750;

75 (9) Any coroner, deputy coroner, medical examiner, or assistant medical  
76 examiner;

77 (10) Any municipal or county prosecuting attorney or assistant  
78 prosecuting attorney; circuit attorney or assistant circuit attorney; municipal,  
79 associate, or circuit judge; or any person appointed by a court to be a special  
80 prosecutor who has completed the firearms safety training course required under  
81 subsection 2 of section 571.111;

82 (11) Any member of a fire department or fire protection district who is  
83 employed on a full-time basis as a fire investigator and who has a valid concealed  
84 carry endorsement issued prior to August 28, 2013, or a valid concealed carry  
85 permit under section 571.111 when such uses are reasonably associated with or  
86 are necessary to the fulfillment of such person's official duties; and

87 (12) Upon the written approval of the governing body of a fire department  
88 or fire protection district, any paid fire department or fire protection district  
89 member who is employed on a full-time basis and who has a valid concealed carry  
90 endorsement issued prior to August 28, 2013, or a valid concealed carry permit,  
91 when such uses are reasonably associated with or are necessary to the fulfillment  
92 of such person's official duties.

93 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not  
94 apply when the actor is transporting such weapons in a nonfunctioning state or  
95 in an unloaded state when ammunition is not readily accessible or when such  
96 weapons are not readily accessible. Subdivision (1) of subsection 1 of this section  
97 does not apply to any person nineteen years of age or older or eighteen years of  
98 age or older and a member of the United States Armed Forces, or honorably  
99 discharged from the United States Armed Forces, transporting a concealable

100 firearm in the passenger compartment of a motor vehicle, so long as such  
101 concealable firearm is otherwise lawfully possessed, nor when the actor is also in  
102 possession of an exposed firearm or projectile weapon for the lawful pursuit of  
103 game, or is in his or her dwelling unit or upon premises over which the actor has  
104 possession, authority or control, or is traveling in a continuous journey peaceably  
105 through this state. Subdivision (10) of subsection 1 of this section does not apply  
106 if the firearm is otherwise lawfully possessed by a person while traversing school  
107 premises for the purposes of transporting a student to or from school, or  
108 possessed by an adult for the purposes of facilitation of a school-sanctioned  
109 firearm-related event or club event.

110         4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not  
111 apply to any person who has a valid concealed carry permit issued pursuant to  
112 sections 571.101 to 571.121, a valid concealed carry endorsement issued before  
113 August 28, 2013, or a valid permit or endorsement to carry concealed firearms  
114 issued by another state or political subdivision of another state.

115         5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this  
116 section shall not apply to persons who are engaged in a lawful act of defense  
117 pursuant to section 563.031.

118         6. Notwithstanding any provision of this section to the contrary, the state  
119 shall not prohibit any state employee from having a firearm in the employee's  
120 vehicle on the state's property provided that the vehicle is locked and the firearm  
121 is not visible. This subsection shall only apply to the state as an employer when  
122 the state employee's vehicle is on property owned or leased by the state and the  
123 state employee is conducting activities within the scope of his or her  
124 employment. For the purposes of this subsection, "state employee" means an  
125 employee of the executive, legislative, or judicial branch of the government of the  
126 state of Missouri.

127         7. Nothing in this section shall make it unlawful for a student to actually  
128 participate in school-sanctioned gun safety courses, student military or ROTC  
129 courses, or other school-sponsored or club-sponsored firearm-related events,  
130 provided the student does not carry a firearm or other weapon readily capable of  
131 lethal use into any school, onto any school bus, or onto the premises of any other  
132 function or activity sponsored or sanctioned by school officials or the district  
133 school board.

134         8. A person who commits the crime of unlawful use of weapons under:

135         (1) Subdivision (2), (3), (4), or (11) of subsection 1 of this section shall be

136 guilty of a class E felony;

137           (2) Subdivision (1), (6), (7), or (8) of subsection 1 of this section shall be  
138 guilty of a class B misdemeanor, except when a concealed weapon is carried onto  
139 any private property whose owner has posted the premises as being off-limits to  
140 concealed firearms by means of one or more signs displayed in a conspicuous  
141 place of a minimum size of eleven inches by fourteen inches with the writing  
142 thereon in letters of not less than one inch, in which case the penalties of  
143 subsection 2 of section 571.107 shall apply;

144           (3) Subdivision (5) or (10) of subsection 1 of this section shall be guilty of  
145 a class A misdemeanor if the firearm is unloaded and a class E felony if the  
146 firearm is loaded;

147           (4) Subdivision (9) of subsection 1 of this section shall be guilty of a class  
148 B felony, except that if the violation of subdivision (9) of subsection 1 of this  
149 section results in injury or death to another person, it is a class A felony.

150           9. Violations of subdivision (9) of subsection 1 of this section shall be  
151 punished as follows:

152           (1) For the first violation a person shall be sentenced to the maximum  
153 authorized term of imprisonment for a class B felony;

154           (2) For any violation by a prior offender as defined in section 558.016, a  
155 person shall be sentenced to the maximum authorized term of imprisonment for  
156 a class B felony without the possibility of parole, probation or conditional release  
157 for a term of ten years;

158           (3) For any violation by a persistent offender as defined in section  
159 558.016, a person shall be sentenced to the maximum authorized term of  
160 imprisonment for a class B felony without the possibility of parole, probation, or  
161 conditional release;

162           (4) For any violation which results in injury or death to another person,  
163 a person shall be sentenced to an authorized disposition for a class A felony.

164           10. Any person knowingly aiding or abetting any other person in the  
165 violation of subdivision (9) of subsection 1 of this section shall be subject to the  
166 same penalty as that prescribed by this section for violations by other persons.

167           11. Notwithstanding any other provision of law, no person who pleads  
168 guilty to or is found guilty of a felony violation of subsection 1 of this section shall  
169 receive a suspended imposition of sentence if such person has previously received  
170 a suspended imposition of sentence for any other firearms- or weapons-related  
171 felony offense.

172 12. As used in this section "qualified retired peace officer" means an  
173 individual who:

174 (1) Retired in good standing from service with a public agency as a peace  
175 officer, other than for reasons of mental instability;

176 (2) Before such retirement, was authorized by law to engage in or  
177 supervise the prevention, detection, investigation, or prosecution of, or the  
178 incarceration of any person for, any violation of law, and had statutory powers of  
179 arrest;

180 (3) Before such retirement, was regularly employed as a peace officer for  
181 an aggregate of fifteen years or more, or retired from service with such agency,  
182 after completing any applicable probationary period of such service, due to a  
183 service-connected disability, as determined by such agency;

184 (4) Has a nonforfeitable right to benefits under the retirement plan of the  
185 agency if such a plan is available;

186 (5) During the most recent twelve-month period, has met, at the expense  
187 of the individual, the standards for training and qualification for active peace  
188 officers to carry firearms;

189 (6) Is not under the influence of alcohol or another intoxicating or  
190 hallucinatory drug or substance; and

191 (7) Is not prohibited by federal law from receiving a firearm.

192 13. The identification required by subdivision (1) of subsection 2 of this  
193 section is:

194 (1) A photographic identification issued by the agency from which the  
195 individual retired from service as a peace officer that indicates that the individual  
196 has, not less recently than one year before the date the individual is carrying the  
197 concealed firearm, been tested or otherwise found by the agency to meet the  
198 standards established by the agency for training and qualification for active peace  
199 officers to carry a firearm of the same type as the concealed firearm; or

200 (2) A photographic identification issued by the agency from which the  
201 individual retired from service as a peace officer; and

202 (3) A certification issued by the state in which the individual resides that  
203 indicates that the individual has, not less recently than one year before the date  
204 the individual is carrying the concealed firearm, been tested or otherwise found  
205 by the state to meet the standards established by the state for training and  
206 qualification for active peace officers to carry a firearm of the same type as the  
207 concealed firearm.

575.205. 1. A person commits the offense of tampering with electronic  
2 monitoring equipment if he or she intentionally removes, alters, tampers with,  
3 damages, or destroys electronic monitoring equipment which a court, **division**  
4 **of probation and parole** or the [board of probation and] parole **board** has  
5 required such person to wear.

6 2. This section does not apply to the owner of the equipment or an agent  
7 of the owner who is performing ordinary maintenance or repairs on the  
8 equipment.

9 3. The offense of tampering with electronic monitoring equipment is a  
10 class D felony.

575.206. 1. A person commits the offense of violating a condition of  
2 lifetime supervision if he or she knowingly violates a condition of probation,  
3 parole, or conditional release when such condition was imposed by an order of a  
4 court under section 559.106 or an order of the [board of probation and] parole  
5 **board** under section 217.735.

6 2. The offense of violating a condition of lifetime supervision is a class D  
7 felony.

589.042. The court or the [board of probation and] parole **board** shall  
2 have the authority to require a person who is required to register as a sexual  
3 offender under sections 589.400 to 589.425 to give his or her assigned probation  
4 or parole officer access to his or her personal home computer as a condition of  
5 probation or parole in order to monitor and prevent such offender from obtaining  
6 and keeping child pornography or from committing an offense under chapter  
7 566. Such access shall allow the probation or parole officer to view the internet  
8 use history, computer hardware, and computer software of any computer,  
9 including a laptop computer, that the offender owns.

595.209. 1. The following rights shall automatically be afforded to victims  
2 of dangerous felonies, as defined in section 556.061, victims of murder in the first  
3 degree, as defined in section 565.020, victims of voluntary manslaughter, as  
4 defined in section 565.023, victims of any offense under chapter 566, victims of  
5 an attempt to commit one of the preceding crimes, as defined in section 562.012,  
6 and victims of domestic assault, as defined in sections 565.072 to 565.076; and,  
7 upon written request, the following rights shall be afforded to victims of all other  
8 crimes and witnesses of crimes:

9 (1) For victims, the right to be present at all criminal justice proceedings  
10 at which the defendant has such right, including juvenile proceedings where the

11 offense would have been a felony if committed by an adult, even if the victim is  
12 called to testify or may be called to testify as a witness in the case;

13 (2) For victims, the right to information about the crime, as provided for  
14 in subdivision (5) of this subsection;

15 (3) For victims and witnesses, to be informed, in a timely manner, by the  
16 prosecutor's office of the filing of charges, preliminary hearing dates, trial dates,  
17 continuances and the final disposition of the case. Final disposition information  
18 shall be provided within five days;

19 (4) For victims, the right to confer with and to be informed by the  
20 prosecutor regarding bail hearings, guilty pleas, pleas under chapter 552 or its  
21 successors, hearings, sentencing and probation revocation hearings and the right  
22 to be heard at such hearings, including juvenile proceedings, unless in the  
23 determination of the court the interests of justice require otherwise;

24 (5) The right to be informed by local law enforcement agencies, the  
25 appropriate juvenile authorities or the custodial authority of the following:

26 (a) The status of any case concerning a crime against the victim, including  
27 juvenile offenses;

28 (b) The right to be informed by local law enforcement agencies or the  
29 appropriate juvenile authorities of the availability of victim compensation  
30 assistance, assistance in obtaining documentation of the victim's losses, including,  
31 but not limited to and subject to existing law concerning protected information  
32 or closed records, access to copies of complete, unaltered, unedited investigation  
33 reports of motor vehicle, pedestrian, and other similar accidents upon request to  
34 the appropriate law enforcement agency by the victim or the victim's  
35 representative, and emergency crisis intervention services available in the  
36 community;

37 (c) Any release of such person on bond or for any other reason;

38 (d) Within twenty-four hours, any escape by such person from a municipal  
39 detention facility, county jail, a correctional facility operated by the department  
40 of corrections, mental health facility, or the division of youth services or any  
41 agency thereof, and any subsequent recapture of such person;

42 (6) For victims, the right to be informed by appropriate juvenile  
43 authorities of probation revocation hearings initiated by the juvenile authority  
44 and the right to be heard at such hearings or to offer a written statement, video  
45 or audio tape, counsel or a representative designated by the victim in lieu of a  
46 personal appearance, the right to be informed by the [board of probation and]

47 parole **board** of probation revocation hearings initiated by the **parole** board and  
48 of parole hearings, the right to be present at each and every phase of parole  
49 hearings, the right to be heard at probation revocation and parole hearings or to  
50 offer a written statement, video or audio tape, counsel or a representative  
51 designated by the victim in lieu of a personal appearance, and the right to have,  
52 upon written request of the victim, a partition set up in the probation or parole  
53 hearing room in such a way that the victim is shielded from the view of the  
54 probationer or parolee, and the right to be informed by the custodial mental  
55 health facility or agency thereof of any hearings for the release of a person  
56 committed pursuant to the provisions of chapter 552, the right to be present at  
57 such hearings, the right to be heard at such hearings or to offer a written  
58 statement, video or audio tape, counsel or a representative designated by the  
59 victim in lieu of personal appearance;

60 (7) For victims and witnesses, upon their written request, the right to be  
61 informed by the appropriate custodial authority, including any municipal  
62 detention facility, juvenile detention facility, county jail, correctional facility  
63 operated by the department of corrections, mental health facility, division of  
64 youth services or agency thereof if the offense would have been a felony if  
65 committed by an adult, postconviction or commitment pursuant to the provisions  
66 of chapter 552 of the following:

67 (a) The projected date of such person's release from confinement;

68 (b) Any release of such person on bond;

69 (c) Any release of such person on furlough, work release, trial release,  
70 electronic monitoring program, or to a community correctional facility or program  
71 or release for any other reason, in advance of such release;

72 (d) Any scheduled parole or release hearings, including hearings under  
73 section 217.362, regarding such person and any changes in the scheduling of such  
74 hearings. No such hearing shall be conducted without thirty days' advance  
75 notice;

76 (e) Within twenty-four hours, any escape by such person from a municipal  
77 detention facility, county jail, a correctional facility operated by the department  
78 of corrections, mental health facility, or the division of youth services or any  
79 agency thereof, and any subsequent recapture of such person;

80 (f) Any decision by a parole board, by a juvenile releasing authority or by  
81 a circuit court presiding over releases pursuant to the provisions of chapter 552,  
82 or by a circuit court presiding over releases under section 217.362, to release such

83 person or any decision by the governor to commute the sentence of such person  
84 or pardon such person;

85 (g) Notification within thirty days of the death of such person;

86 (8) For witnesses who have been summoned by the prosecuting attorney  
87 and for victims, to be notified by the prosecuting attorney in a timely manner  
88 when a court proceeding will not go on as scheduled;

89 (9) For victims and witnesses, the right to reasonable protection from the  
90 defendant or any person acting on behalf of the defendant from harm and threats  
91 of harm arising out of their cooperation with law enforcement and prosecution  
92 efforts;

93 (10) For victims and witnesses, on charged cases or submitted cases where  
94 no charge decision has yet been made, to be informed by the prosecuting attorney  
95 of the status of the case and of the availability of victim compensation assistance  
96 and of financial assistance and emergency and crisis intervention services  
97 available within the community and information relative to applying for such  
98 assistance or services, and of any final decision by the prosecuting attorney not  
99 to file charges;

100 (11) For victims, to be informed by the prosecuting attorney of the right  
101 to restitution which shall be enforceable in the same manner as any other cause  
102 of action as otherwise provided by law;

103 (12) For victims and witnesses, to be informed by the court and the  
104 prosecuting attorney of procedures to be followed in order to apply for and receive  
105 any witness fee to which they are entitled;

106 (13) When a victim's property is no longer needed for evidentiary reasons  
107 or needs to be retained pending an appeal, the prosecuting attorney or any law  
108 enforcement agency having possession of the property shall, upon request of the  
109 victim, return such property to the victim within five working days unless the  
110 property is contraband or subject to forfeiture proceedings, or provide written  
111 explanation of the reason why such property shall not be returned;

112 (14) An employer may not discharge or discipline any witness, victim or  
113 member of a victim's immediate family for honoring a subpoena to testify in a  
114 criminal proceeding, attending a criminal proceeding, or for participating in the  
115 preparation of a criminal proceeding, or require any witness, victim, or member  
116 of a victim's immediate family to use vacation time, personal time, or sick leave  
117 for honoring a subpoena to testify in a criminal proceeding, attending a criminal  
118 proceeding, or participating in the preparation of a criminal proceeding;

119 (15) For victims, to be provided with creditor intercession services by the  
120 prosecuting attorney if the victim is unable, as a result of the crime, temporarily  
121 to meet financial obligations;

122 (16) For victims and witnesses, the right to speedy disposition of their  
123 cases, and for victims, the right to speedy appellate review of their cases,  
124 provided that nothing in this subdivision shall prevent the defendant from having  
125 sufficient time to prepare such defendant's defense. The attorney general shall  
126 provide victims, upon their written request, case status information throughout  
127 the appellate process of their cases. The provisions of this subdivision shall apply  
128 only to proceedings involving the particular case to which the person is a victim  
129 or witness;

130 (17) For victims and witnesses, to be provided by the court, a secure  
131 waiting area during court proceedings and to receive notification of the date, time  
132 and location of any hearing conducted by the court for reconsideration of any  
133 sentence imposed, modification of such sentence or recall and release of any  
134 defendant from incarceration;

135 (18) For victims, the right to receive upon request from the department  
136 of corrections a photograph taken of the defendant prior to release from  
137 incarceration.

138 2. The provisions of subsection 1 of this section shall not be construed to  
139 imply any victim who is incarcerated by the department of corrections or any local  
140 law enforcement agency has a right to be released to attend any hearing or that  
141 the department of corrections or the local law enforcement agency has any duty  
142 to transport such incarcerated victim to any hearing.

143 3. Those persons entitled to notice of events pursuant to the provisions of  
144 subsection 1 of this section shall provide the appropriate person or agency with  
145 their current addresses and telephone numbers or the addresses or telephone  
146 numbers at which they wish notification to be given.

147 4. Notification by the appropriate person or agency utilizing the statewide  
148 automated crime victim notification system as established in section 650.310 shall  
149 constitute compliance with the victim notification requirement of this section. If  
150 notification utilizing the statewide automated crime victim notification system  
151 cannot be used, then written notification shall be sent by certified mail to the  
152 most current address provided by the victim.

153 5. Victims' rights as established in Section 32 of Article I of the Missouri  
154 Constitution or the laws of this state pertaining to the rights of victims of crime

155 shall be granted and enforced regardless of the desires of a defendant and no  
156 privileges of confidentiality shall exist in favor of the defendant to exclude victims  
157 or prevent their full participation in each and every phase of parole hearings or  
158 probation revocation hearings. The rights of the victims granted in this section  
159 are absolute and the policy of this state is that the victim's rights are paramount  
160 to the defendant's rights. The victim has an absolute right to be present at any  
161 hearing in which the defendant is present before a probation and parole hearing  
162 officer.

650.055. 1. Every individual who:

2 (1) Is found guilty of a felony or any offense under chapter 566; or

3 (2) Is seventeen years of age or older and arrested for burglary in the first  
4 degree under section 569.160, or burglary in the second degree under section  
5 569.170, or a felony offense under chapter 565, 566, 567, 568, or 573; or

6 (3) Has been determined to be a sexually violent predator pursuant to  
7 sections 632.480 to 632.513; or

8 (4) Is an individual required to register as a sexual offender under  
9 sections 589.400 to 589.425;

10 shall have a fingerprint and blood or scientifically accepted biological sample  
11 collected for purposes of DNA profiling analysis.

12 2. Any individual subject to DNA collection and profiling analysis under  
13 this section shall provide a DNA sample:

14 (1) Upon booking at a county jail or detention facility; or

15 (2) Upon entering or before release from the department of corrections  
16 reception and diagnostic centers; or

17 (3) Upon entering or before release from a county jail or detention facility,  
18 state correctional facility, or any other detention facility or institution, whether  
19 operated by a private, local, or state agency, or any mental health facility if  
20 committed as a sexually violent predator pursuant to sections 632.480 to 632.513;  
21 or

22 (4) When the state accepts a person from another state under any  
23 interstate compact, or under any other reciprocal agreement with any county,  
24 state, or federal agency, or any other provision of law, whether or not the person  
25 is confined or released, the acceptance is conditional on the person providing a  
26 DNA sample if the person was found guilty of a felony offense in any other  
27 jurisdiction; or

28 (5) If such individual is under the jurisdiction of the department of

29 corrections. Such jurisdiction includes persons currently incarcerated, persons  
30 on probation, as defined in section 217.650, and on parole, as also defined in  
31 section 217.650; or

32 (6) At the time of registering as a sex offender under sections 589.400 to  
33 589.425.

34 3. The Missouri state highway patrol and department of corrections shall  
35 be responsible for ensuring adherence to the law. Any person required to provide  
36 a DNA sample pursuant to this section shall be required to provide such sample,  
37 without the right of refusal, at a collection site designated by the Missouri state  
38 highway patrol and the department of corrections. Authorized personnel  
39 collecting or assisting in the collection of samples shall not be liable in any civil  
40 or criminal action when the act is performed in a reasonable manner. Such force  
41 may be used as necessary to the effectual carrying out and application of such  
42 processes and operations. The enforcement of these provisions by the authorities  
43 in charge of state correctional institutions and others having custody or  
44 jurisdiction over individuals included in subsection 1 of this section which shall  
45 not be set aside or reversed is hereby made mandatory. The [board] **division** of  
46 probation or parole shall recommend that an individual on probation or parole  
47 who refuses to provide a DNA sample have his or her probation or parole revoked.  
48 In the event that a person's DNA sample is not adequate for any reason, the  
49 person shall provide another sample for analysis.

50 4. The procedure and rules for the collection, analysis, storage,  
51 expungement, use of DNA database records and privacy concerns shall not  
52 conflict with procedures and rules applicable to the Missouri DNA profiling  
53 system and the Federal Bureau of Investigation's DNA databank system.

54 5. Unauthorized use or dissemination of individually identifiable DNA  
55 information in a database for purposes other than criminal justice or law  
56 enforcement is a class A misdemeanor.

57 6. Implementation of sections 650.050 to 650.100 shall be subject to future  
58 appropriations to keep Missouri's DNA system compatible with the Federal  
59 Bureau of Investigation's DNA databank system.

60 7. All DNA records and biological materials retained in the DNA profiling  
61 system are considered closed records pursuant to chapter 610. All records  
62 containing any information held or maintained by any person or by any agency,  
63 department, or political subdivision of the state concerning an individual's DNA  
64 profile shall be strictly confidential and shall not be disclosed, except to:

65 (1) Peace officers, as defined in section 590.010, and other employees of  
66 law enforcement agencies who need to obtain such records to perform their public  
67 duties;

68 (2) The attorney general or any assistant attorneys general acting on his  
69 or her behalf, as defined in chapter 27;

70 (3) Prosecuting attorneys or circuit attorneys as defined in chapter 56,  
71 and their employees who need to obtain such records to perform their public  
72 duties;

73 (4) The individual whose DNA sample has been collected, or his or her  
74 attorney; or

75 (5) Associate circuit judges, circuit judges, judges of the courts of appeals,  
76 supreme court judges, and their employees who need to obtain such records to  
77 perform their public duties.

78 8. Any person who obtains records pursuant to the provisions of this  
79 section shall use such records only for investigative and prosecutorial purposes,  
80 including but not limited to use at any criminal trial, hearing, or proceeding; or  
81 for law enforcement identification purposes, including identification of human  
82 remains. Such records shall be considered strictly confidential and shall only be  
83 released as authorized by this section.

84 9. (1) An individual may request expungement of his or her DNA sample  
85 and DNA profile through the court issuing the reversal or dismissal, or through  
86 the court granting an expungement of all official records under section 568.040.  
87 A certified copy of the court order establishing that such conviction has been  
88 reversed, guilty plea has been set aside, or expungement has been granted under  
89 section 568.040 shall be sent to the Missouri state highway patrol crime  
90 laboratory. Upon receipt of the court order, the laboratory will determine that  
91 the requesting individual has no other qualifying offense as a result of any  
92 separate plea or conviction and no other qualifying arrest prior to expungement.

93 (2) A person whose DNA record or DNA profile has been included in the  
94 state DNA database in accordance with this section and sections 650.050,  
95 650.052, and 650.100 may request expungement on the grounds that the  
96 conviction has been reversed, the guilty plea on which the authority for including  
97 that person's DNA record or DNA profile was based has been set aside, or an  
98 expungement of all official records has been granted by the court under section  
99 568.040.

100 (3) Upon receipt of a written request for expungement, a certified copy of

101 the final court order reversing the conviction, setting aside the plea, or granting  
102 an expungement of all official records under section 568.040, and any other  
103 information necessary to ascertain the validity of the request, the Missouri state  
104 highway patrol crime laboratory shall expunge all DNA records and identifiable  
105 information in the state DNA database pertaining to the person and destroy the  
106 DNA sample of the person, unless the Missouri state highway patrol determines  
107 that the person is otherwise obligated to submit a DNA sample. Within thirty  
108 days after the receipt of the court order, the Missouri state highway patrol shall  
109 notify the individual that it has expunged his or her DNA sample and DNA  
110 profile, or the basis for its determination that the person is otherwise obligated  
111 to submit a DNA sample.

112 (4) The Missouri state highway patrol is not required to destroy any item  
113 of physical evidence obtained from a DNA sample if evidence relating to another  
114 person would thereby be destroyed.

115 (5) Any identification, warrant, arrest, or evidentiary use of a DNA match  
116 derived from the database shall not be excluded or suppressed from evidence, nor  
117 shall any conviction be invalidated or reversed or plea set aside due to the failure  
118 to expunge or a delay in expunging DNA records.

119 10. When a DNA sample is taken from an individual pursuant to  
120 subdivision (2) of subsection 1 of this section and the prosecutor declines  
121 prosecution and notifies the arresting agency of that decision, the arresting  
122 agency shall notify the Missouri state highway patrol crime laboratory within  
123 ninety days of receiving such notification. Within thirty days of being notified by  
124 the arresting agency that the prosecutor has declined prosecution, the Missouri  
125 state highway patrol crime laboratory shall determine whether the individual has  
126 any other qualifying offenses or arrests that would require a DNA sample to be  
127 taken and retained. If the individual has no other qualifying offenses or arrests,  
128 the crime laboratory shall expunge all DNA records in the database taken at the  
129 arrest for which the prosecution was declined pertaining to the person and  
130 destroy the DNA sample of such person.

131 11. When a DNA sample is taken of an arrestee for any offense listed  
132 under subsection 1 of this section and charges are filed:

133 (1) If the charges are later withdrawn, the prosecutor shall notify the  
134 state highway patrol crime laboratory that such charges have been withdrawn;

135 (2) If the case is dismissed, the court shall notify the state highway patrol  
136 crime laboratory of such dismissal;

137 (3) If the court finds at the preliminary hearing that there is no probable  
138 cause that the defendant committed the offense, the court shall notify the state  
139 highway patrol crime laboratory of such finding;

140 (4) If the defendant is found not guilty, the court shall notify the state  
141 highway patrol crime laboratory of such verdict.

142 If the state highway patrol crime laboratory receives notice under this subsection,  
143 such crime laboratory shall determine, within thirty days, whether the individual  
144 has any other qualifying offenses or arrests that would require a DNA sample to  
145 be taken. If the individual has no other qualifying arrests or offenses, the crime  
146 laboratory shall expunge all DNA records in the database pertaining to such  
147 person and destroy the person's DNA sample.

650.058. 1. Notwithstanding the sovereign immunity of the state, any  
2 individual who was found guilty of a felony in a Missouri court and was later  
3 determined to be actually innocent of such crime solely as a result of DNA  
4 profiling analysis may be paid restitution. The individual may receive an amount  
5 of one hundred dollars per day for each day of postconviction incarceration for the  
6 crime for which the individual is determined to be actually innocent. The petition  
7 for the payment of said restitution shall be filed with the sentencing court. For  
8 the purposes of this section, the term "actually innocent" shall mean:

9 (1) The individual was convicted of a felony for which a final order of  
10 release was entered by the court;

11 (2) All appeals of the order of release have been exhausted;

12 (3) The individual was not serving any term of a sentence for any other  
13 crime concurrently with the sentence for which he or she is determined to be  
14 actually innocent, unless such individual was serving another concurrent  
15 sentence because his or her parole was revoked by a court or the [board of  
16 probation and] parole **board** in connection with the crime for which the person  
17 has been exonerated. Regardless of whether any other basis may exist for the  
18 revocation of the person's probation or parole at the time of conviction for the  
19 crime for which the person is later determined to be actually innocent, when the  
20 court's or the [board of probation and parole's] **parole board's** sole stated reason  
21 for the revocation in its order is the conviction for the crime for which the person  
22 is later determined to be actually innocent, such order shall, for purposes of this  
23 section only, be conclusive evidence that their probation or parole was revoked in  
24 connection with the crime for which the person has been exonerated; and

25 (4) Testing ordered under section 547.035, or testing by the order of any

26 state or federal court, if such person was exonerated on or before August 28, 2004,  
27 or testing ordered under section 650.055, if such person was or is exonerated after  
28 August 28, 2004, demonstrates a person's innocence of the crime for which the  
29 person is in custody.

30 Any individual who receives restitution under this section shall be prohibited  
31 from seeking any civil redress from the state, its departments and agencies, or  
32 any employee thereof, or any political subdivision or its employees. This section  
33 shall not be construed as a waiver of sovereign immunity for any purposes other  
34 than the restitution provided for herein. The department of corrections shall  
35 determine the aggregate amount of restitution owed during a fiscal year. If  
36 insufficient moneys are appropriated each fiscal year to pay restitution to such  
37 persons, the department shall pay each individual who has received an order  
38 awarding restitution a pro rata share of the amount appropriated. Provided  
39 sufficient moneys are appropriated to the department, the amounts owed to such  
40 individual shall be paid on June thirtieth of each subsequent fiscal year, until  
41 such time as the restitution to the individual has been paid in full. However, no  
42 individual awarded restitution under this subsection shall receive more than  
43 thirty-six thousand five hundred dollars during each fiscal year. No interest on  
44 unpaid restitution shall be awarded to the individual. No individual who has  
45 been determined by the court to be actually innocent shall be responsible for the  
46 costs of care under section 217.831.

47         2. If the results of the DNA testing confirm the person's guilt, then the  
48 person filing for DNA testing under section 547.035, shall:

49             (1) Be liable for any reasonable costs incurred when conducting the DNA  
50 test, including but not limited to the cost of the test. Such costs shall be  
51 determined by the court and shall be included in the findings of fact and  
52 conclusions of law made by the court; and

53             (2) Be sanctioned under the provisions of section 217.262.

54         3. A petition for payment of restitution under this section may only be  
55 filed by the individual determined to be actually innocent or the individual's legal  
56 guardian. No claim or petition for restitution under this section may be filed by  
57 the individual's heirs or assigns. An individual's right to receive restitution  
58 under this section is not assignable or otherwise transferrable. The state's  
59 obligation to pay restitution under this section shall cease upon the individual's  
60 death. Any beneficiary designation that purports to bequeath, assign, or  
61 otherwise convey the right to receive such restitution shall be void and

62 unenforceable.

63           4. An individual who is determined to be actually innocent of a crime  
64 under this chapter shall automatically be granted an order of expungement from  
65 the court in which he or she pled guilty or was sentenced to expunge from all  
66 official records all recordations of his or her arrest, plea, trial or conviction. Upon  
67 granting of the order of expungement, the records and files maintained in any  
68 administrative or court proceeding in an associate or circuit division of the court  
69 shall be confidential and only available to the parties or by order of the court for  
70 good cause shown. The effect of such order shall be to restore such person to the  
71 status he or she occupied prior to such arrest, plea or conviction and as if such  
72 event had never taken place. No person as to whom such order has been entered  
73 shall be held thereafter under any provision of any law to be guilty of perjury or  
74 otherwise giving a false statement by reason of his or her failure to recite or  
75 acknowledge such arrest, plea, trial, conviction or expungement in response to  
76 any inquiry made of him or her for any purpose whatsoever and no such inquiry  
77 shall be made for information relating to an expungement under this section.

                  [217.660. 1. The chairman of the board of probation and  
2           parole shall be the director of the division.

3                   2. In addition to the compensation as a member of the  
4           board, any chairman whose term of office began before August 28,  
5           1999, shall receive three thousand eight hundred seventy-five  
6           dollars per year for duties as chairman.]

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