

SENATE BILL NO. 439

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASHINGTON.

0849S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 559.016 and 559.600, RSMo, and to enact in lieu thereof two new sections relating to probation and parole for certain offenders.

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

Section A. Sections 559.016 and 559.600, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 559.016 and 559.600, to read as follows:

559.016. 1. Unless terminated as provided in section
2 559.036 or modified under section 217.703, the terms during
3 which each probation shall remain conditional and be subject
4 to revocation are:

5 (1) A term of years not less than one year and not to
6 exceed five years for a felony;

7 (2) A term not less than six months and not to exceed
8 **[two years] eighteen months** for a misdemeanor **or municipal**
9 **ordinance violation**;

10 (3) A term not less than six months and not to exceed
11 one year for an infraction.

12 2. The court shall designate a specific term of
13 probation at the time of sentencing or at the time of
14 suspension of imposition of sentence. Such term may be
15 modified by the division of probation and parole under
16 section 217.703.

17 3. The court may extend a period of probation**[,]**;
18 however, no more than one extension of any probation may be

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

19 ordered, except that the court may extend the total time on
20 probation by one additional year by order of the court if
21 the defendant admits he or she has violated the conditions
22 of his or her probation or is found by the court to have
23 violated the conditions of his or her probation. Total time
24 on any probation term, including any extension, shall not
25 exceed the maximum term as established in subsection 1 of
26 this section plus one additional year if the defendant
27 admits or the court finds that the defendant has violated
28 the conditions of his or her probation.

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

18 2. In all cases, the entity providing such private
19 probation service shall utilize the cutoff concentrations
20 utilized by the department of corrections with regard to
21 drug and alcohol screening for clients assigned to such
22 entity. A drug test is positive if drug presence is at or

23 above the cutoff concentration or negative if no drug is
24 detected or if drug presence is below the cutoff
25 concentration. **No client shall be required to submit to an**
26 **alcohol or drug test unless the client is on probation for**
27 **an offense that involved either alcohol or a controlled**
28 **substance or unless ordered by the judge for good cause**
29 **shown.**

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

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