



THE MISSOURI BAR

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DATE: April 28, 2009
TO: Representative Shalonn Curls
FROM: The Missouri Bar
RE: House Bill 855

Recently, The Missouri Bar Executive Committee met to review legislation. The Executive Committee consists of the officers of the bar and three additional members annually elected by the Board of Governors. The members of this year's committee are Thomas M. Burke, President; H.A. "Skip" Walther, President-Elect; John S. Johnston, Vice-President; Charlie J. Harris, Jr., Immediate Past-President; Carol Chazen Friedman; Patrick B. Starke; and Deanna K. Scott. The committee has authority to act on behalf of the Board of Governors during the legislative session. In reviewing legislation, the Executive Committee considers comments received from various Missouri Bar legislative review subcommittees. All positions taken by the Executive Committee are communicated to the full Board as soon as possible after they are taken.

Recently, The Missouri Bar Executive Committee reviewed House Bill 855, which requires the Department of Corrections to establish a Shock Time for Felony Probationers Programs to provide courts with an alternative to imposing a sentence for nonviolent offenders who have violated their probation. The Executive Committee found this legislation to be within the legislative scope of The Missouri Bar. Following were among some of the comments received from bar members:

"In order to avoid confusion, it might be helpful to define the term 'nonviolent felony offense' in the bill, or to refer to a definition elsewhere in the RSMo if a suitable definition exists." *Honorable Karl DeMarce*

"Provides greater judicial flexibility – but I am concerned that this could increase the prison population substantially." *Honorable Robert Cohen*

"...Such alternatives are needed given that our judicial system is overloaded with criminal cases and many of our jails are overcrowded. The judicial system and society at large would likely be better served if alternatives to incarceration were considered more often." *Name undisclosed*

"If I understand this provision, it would create a provision similar to the current post-conviction treatment statute but for non-drug offenses. If that is the intent, I would rather see a re-write of the post-conviction section than an entirely new section. I also wonder if the impact of this section would be sending more SIS offenders to the Department of Corrections for 120 days as an alternative to placing them back on probation with an SIS. I am not sure if that would be a good thing either for the offenders or the Department of Corrections." *Name undisclosed*

After considering these comments, the Executive Committee voted to support the concept of House Bill 855.