

## HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	House File 349 (Formerly HSB 55)	House Committee:	<b>PASSED</b> on February 15 (21-0)
Committee:	Public Safety	House Floor:	
Floor Manager:	Rep. Holt	Senate Floor:	
Date:	March 21, 2023	Governor:	
Staff:	Amanda Wille (1-5230)		

### Probation

- Makes changes to the probation code section.
- Allows a person on probation to earn credit for working, education, and staying in compliance with probation requirements.
- **Fiscal Note**-DOC claims a \$4.7 million impact for reviewing all people on probation. The amendment should lower the fiscal impact significantly.

### Section by Section Analysis

#### Section 1 – Deferred Judgement, Deferred or Suspended Sentences, Probation- Definitions (907.1)

Definitions including-

Discharge credit- 14-day reduction from a defendant’s term of probation for each full calendar month they are in compliance with the terms of probation

Educational credit- 90-day reduction from a term of probation when a defendant earns a high school certificate, academic degree, or completes certified training.

Workforce credit- 30-day reduction in probation for each six-month period the defendant remains verifiably employed

#### Section 2 – Deferred Judgement, Deferred or Suspended Sentences, Probation- Discharge from probation — procedure — expungement of deferred judgments (907.9)

A person on probation shall earn a discharge credit for each full calendar month which a defendant is in compliance with their probation.

No credit is earned for a month where a violation occurs.

A defendant cannot earn partial credit and cannot earn credit on their last month on probation.

Allows defendants to earn a workforce and educational credit.

At least twice per year the defendant shall be provided accounting of their discharge credits. The department can award credit without leave of the courts. Credit cannot reduce the defendants time served on probation by more than 40%

A defendant shall not be discharged from probation until the probation officer determines fees imposed have been paid or are subject to a payment plan.

Credit is not available for those in problem solving courts or special probation programs unless those programs or courts adopt the standards above.

DOC report is required to the legislature.

Section 3- Effective Date

Effective date- July 1, 2024

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## **Amendment Analysis**

**H- 1141- Holt**

The bill only applies to credits earned on or after the effective date of the bill.