

## FAQ'S

### What is an earned compliance credit (ECC)?

In 2012, legislation was passed that established earned compliance credits, which decrease a supervision term by 30 days for each month that an eligible offender is compliant on supervision for an eligible offense.

### Can an offender lose compliance credits if they receive a new violation?

The earned compliance credits remain with an offender even if they later have a non-compliant month. The exception to this is when an offender's supervision is revoked. If a supervision period is revoked, or if an offender is sentenced to prison as a Court Ordered Detention Sanction, all compliance credits earned are lost.

### If an offender's offense is eligible, will they automatically earn a compliance credit each month?

No. An offender earns a compliance credit when they are compliant with their supervision responsibilities. This means there are no Initial Violation Reports/ Notices of Citations, or motions to revoke or suspend, during a calendar month and that the offender has not been declared an absconder.

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### Who should an offender contact if they believe there is an error in the earned compliance calculations?

The determination of earned compliance credits are not subject to formal appeal; however, as with all matters related to supervision, offenders are encouraged to discuss any questions they have with their supervising officer.

*On August 28, 2012 House Bill 1525-Justice Reinvestment Initiative, which was signed by Governor Jay Nixon became law. This law established the Sentencing and Corrections Oversight Commission and changed some laws regarding criminal offenders under the supervision of the Missouri Department of Corrections, including creating an earned compliance credit for certain offenders.*

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## Missouri Board Of Probation and Parole

### Early Discharge/ Earned Compliance Credit (RSMo 217.703)

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## FREQUENTLY

## ASKED

## QUESTIONS

### **What is an early discharge?**

An early discharge is a final release, or discharge, from probation, parole or conditional release supervision prior to the scheduled supervision expiration date.

### **Who can authorize an early discharge?**

The sentencing Court has authority to reduce the probation supervision term they originally established and the Parole Board can authorize an early discharge from parole or conditional release. The Division of Probation and Parole can also discharge an offender early based on earned compliance credits.

### **How can an offender obtain an early discharge?**

The granting of an early discharge rests primarily with the sentencing Court or the Parole Board. For offenders that comply with their supervision conditions the Court may consider an early discharge as they determine. The Board can do this as well after the offender has completed three years of supervision in the community. Dangerous Felons are eligible after completing five years.

In the case of earned compliance credits, the early discharge is based solely on whether an offender meets the initial eligibility requirements and how well they comply with their supervision requirements. If an offender is interested in an early discharge granted by the Court or Parole Board, or interested in learning more about ECC they should discuss this with their supervising officer.

### **Who is eligible for earned compliance credit consideration?**

Earned compliance credits are available for any offender who is:

- Not on lifetime supervision.
- On probation, parole or conditional release for a class C or D felony, or any offense listed in RSMo 195 (Drug Offenses), except for the following:
  - Aggravated Stalking
  - Rape, Second Degree
  - Sexual Assault
  - Sodomy, Second Degree
  - Deviate Sexual Assault
  - Assault, Second Degree (when attempting to cause or knowingly cause physical injury to another person by means of a deadly weapon or dangerous instrument)
  - Sexual Misconduct Involving a Child
  - Endangering the Welfare of a Child, First Degree (when the person knowingly engages in sexual conduct with a person under the age of seventeen years over whom the person is a parent, guardian, or otherwise changed with the care and custody)
- Incest
- Invasion of Privacy
- Abuse of a Child
- In compliance with the conditions of supervision
- Has completed at least two years of supervision
- Not ruled ineligible by the sentencing Court or Parole Board.

### **Under what circumstances can the sentencing Court make a ruling that an offender is ineligible for earned compliance credits?**

A finding can be made on a probation case by the Court that, due to the nature and circumstances of the offense, or the history and character of the offender, a longer term of probation is required. This finding can only occur for the following offenses:

- Involuntary Manslaughter, First Degree
- Involuntary Manslaughter, Second Degree
- Assault 2nd Degree (when not otherwise already prohibited)
- Domestic Assault, Second Degree
- Assault of a Law Enforcement Officer, Second Degree
- Statutory Rape, Second Degree
- Statutory Sodomy, Second Degree
- Endangering the Welfare of a Child, First Degree (when not otherwise already prohibited)
- Felony Weapon Offense (Chapter 571 RSMo)

### **When did earned compliance credits begin?**

The credits started as of September 2012, with the first award for eligible offenders occurring on October 1, 2012.