

## 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.

### What else do I need to know about ECC?

Probation and Parole Board cases ordered to pay restitution shall automatically require restitution be paid in full prior to ECC being applied and do not require a court order specifically to ECC.

If an offender is incarcerated in the Division of Adult Institution (DAI) for any reason, they shall not be eligible for ECC on any case. Probation and Parole cases in custody for supervision violations shall not earn ECC.

If a probation case is ordered into a treatment court after December 18, 2018, the application of ECC shall be suspended. Upon successful completion, all earned ECC will be applied. However, if terminated none shall apply.

Credit shall not be earned for the month in which a Violation Report or Notice of Citation is completed.

When an offender is in absconder status, they shall not earn ECC and abscond time is not included in the calculation of the 24 months of current supervision that must be served in order to qualify for ECC.

## FAQ'S

### Who should an offender contact if they believe there is an error in the Earned Compliance Credit 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.

### If an offender is eligible for ECC, but violates supervision what happens?

In response to a violation, the Court or Parole Board may hold a hearing on any eligible offense and make a finding that the offender is ineligible to earn ECC because of the nature and circumstances of the violation.

*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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## Division of Probation and Parole

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

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## FREQUENTLY

### 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. The Court may consider an Early Discharge for offenders that comply with their supervision conditions. The Parole 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.

## ASKED

### Who is eligible for Earned Compliance Credit consideration?

Any offender who is on Probation, Parole or Conditional Release for an offenses listed in Chapter 579 RSMo, or an offense previously listed in Chapter 195 RSMo, or a Class D or E Felony, and who were sentenced prior to January 1, 2017 for an offense that was eligible to earn credits, are eligible to earn compliance credits, with the following exceptions:

- Abuse of a Child.
- Assault in the 2nd Degree (when attempting to cause or knowingly causing physical injury to another person by means of a deadly weapon or dangerous instrument).
- Child Molestation, 4th Degree
- Deviate Sexual Assault.
- Endangering the Welfare of a Child 1st Degree (when the person knowingly engages in sexual misconduct with a person under the age of 17 years over who the person is a parent, guardian, or otherwise charged with the care and custody).
- Incest.
- Invasion of Privacy.
- Rape in the 2nd Degree.
- Sexual Assault.
- Sexual Misconduct 1st Degree.
- Sexual Misconduct Involving a Child.
- Sodomy in the 2nd Degree.
- Statutory Rape in the 2nd Degree.
- Statutory Sodomy in the 2nd Degree
- Stalking in the 1st Degree.
- Any offense of Aggravated Stalking or Assault 2nd Degree under section 565.060, subsection 2, subdivision 1 as such offenses existed prior to January 1, 2017.

Offenders subject to Lifetime Supervision are not eligible for Earned Compliance Credits.

## QUESTIONS

### What offenses can the sentencing Court order an offender to be ineligible, as authorized by statute, to be excluded from Earning Compliance Credits?

- Assault 2nd Degree (under section 565.052 or 565.060, subsection 2, subdivision 1 as such offenses existed prior to January 1, 2017).
- Assault 3rd Degree (when the victim is a special victim or assault of a law enforcement officer in the 2nd Degree as such existed prior to January 1, 2017).
- Domestic Assault 2nd Degree.
- Endangering the Welfare of a Child 1st Degree (under section 568.045, subsection 1 of subdivision 1)
- Felony Weapon Offenses (Chapter 571 RSMo).
- Involuntary Manslaughter 2nd Degree.

The offender must serve at least 24 months under the jurisdiction of the MDOC, which shall include any time served on Probation, Parole or Conditional Release for the present offense including administrative jail time pursuant to 217.718 RSMo, and 120 day programming pursuant to 559.036, RSMo and time served in 120 day programming pursuant to 559.115 RSMo.

### When did Earned Compliance Credits begin?

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