
Rules of
Department of Corrections
Division 80—State Board of Probation and Parole
Chapter 3—Conditions of Probation and Parole

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Title 14—DEPARTMENT OF CORRECTIONS

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14 CSR 80-3.010 Conditions of Probation and Parole

PURPOSE: There must be certain conditions to be followed by those placed on parole by the Board of Probation and Parole or those placed on probation by a criminal court of the state. The conditions are set out with an explanation of exactly what each condition means.

- (1) The first condition reads, "Laws: I will obey all the federal and state laws, municipal and county ordinances. I will report all arrests to my probation and parole officer within forty-eight (48) hours." All of us are expected to obey the laws. If a parolee or probationer is arrested at any time for any reason, s/he must report his/her arrest to his/her probation and parole officer within forty-eight (48) hours.
- (2) The second condition reads, "Travel: I will obtain advance permission from my probation and parole officer before leaving the state or the area in which I am living." The probation and parole officer must always know where his/her clients are. It will be the probation and parole officer who will determine the area in which the probationer or parolee will be allowed to travel. There may be times when a probationer or parolee will be living in one (1) community and working in another. When this does occur, the probation and parole officer usually limits the area of travel to these two (2) communities. There may be other exceptions from time-to-time which should be discussed with the officer. When the request is reasonable, the officer will allow the probationer or parolee to travel based on a written travel permit for each occasion or without getting his/her permission each time. This will generally depend on the circumstances. If the probationer or parolee travels outside Missouri, there are certain regulations and requirements that must be followed. A travel permit will have to be issued to the probationer or parolee by the probation and parole officer. Since there is a certain amount of paper work involved in preparing these travel permits, the probationer or parolee should discuss his/her travels with his/her probation and parole officer far enough in advance to allow time for the proper paper work to be prepared. Travel permits for travel outside Missouri may be issued on short notice only in case of emergency, such as serious illness or death in the family.
- (3) The third condition reads, "Residency: I will notify my probation and parole officer of any changes of residency within forty-eight (48) hours." Since the probation and parole officer is at all times responsible for knowing his/her clients' place of residence, it is essential for probationers and parolees to notify their officer within forty-eight (48) hours of any change they must make in regard to where they are living. The officer may need to contact a client for some reason or may be planning to stop by the client's home for a visit. This condition is an effort to keep the probationer or parolee and the probation and parole officer in close touch with each other.
- (4) The fourth condition reads, "Employment: I will maintain employment unless engaged in a specific program approved by my probation and parole officer. I will obtain advance permission from my probation and parole officer before quitting my job or program. In the event I lose my job or am terminated from a program, I will notify my probation and parole officer within forty-eight (48) hours." Changing or quitting a job is always a major decision in anyone's life. It is a decision that a probationer or parolee needs to discuss with his/her probation and parole officer before finally deciding what to do. The probation and parole officer can point out the advantages and disadvantages of making the job change. There are many times when a decision of this kind is made on the spur of the moment and without too much thought. One (1) of the main purposes of this rule, therefore, is to help the probationer or parolee to avoid making a decision which s/he may well regret later on by not being able to find another job quickly. Most of us are expected to support ourselves, have a family to support or debts to pay. It is a normal expectation that these obligations be met. This is no different for a person under supervision than it is for any other citizen. We have found over the years that involvement in criminal behavior and unemployment are closely related. During the supervision period a probationer or parolee will be expected to maintain employment. The only excuse from this obligation will be his/her involvement in a specific program such as vocational training, drug or alcohol abuse treatment or other programs related to his/her self-improvement. A probationer or parolee must remember that before quitting or changing a job or program, s/he must have advance permission from his/her probation and parole officer. In the event a probationer or parolee is fired from a job or program, s/he has the obligation to notify his/her probation and parole officer within forty-eight (48) hours.
- (5) The fifth condition reads, "Association: I will not associate with any person who has been convicted of a felony or misdemeanor." As a probationer or parolee reviews his/her past life and thinks about how s/he got involved in difficulty with the law, many times the probationer or parolee will have to admit that his/her association with some other person who previously had been in difficulty, played a role in his/her situation. This condition is to help probationers and parolees avoid this mistake in the future. It will be the probationer's or parolee's responsibility to know with whom s/he associates. We would caution probationers and parolees to select their friends and associates wisely. Naturally there will be times when a probationer's or parolee's work and place of residency will place him/her in contact with persons who have been convicted of felonies and misdemeanors. The mere fact that the probationer or parolee lives in the same rooming house or works in the same place of employment does not mean that s/he has to associate after working hours or outside the place of residence. If because of place of residency or employment the probationer or parolee finds him/herself in association with someone who has been convicted, s/he should advise his/her probation and parole officer of the circumstances.
- (6) The sixth condition reads, "Drugs: I will not have in my possession or use any controlled substance except as prescribed for me by a licensed medical practitioner." Use of any controlled substance unless prescribed by a physician is illegal. Therefore, the use or possession of drugs is not only a violation of his/her probation and parole conditions but is also a violation of the law.
- (7) The seventh condition reads, "Weapons: I will, if my probation or parole is based on a misdemeanor involving firearms or explosives, or any felony charge, not own, possess, purchase, receive, sell or transport any firearms, ammunition or explosive device or any dangerous weapon as defined by federal, state or municipal laws or ordinances." If a probationer is a misdemeanor offender and the misdemeanor for which s/he is now on probation did not involve firearms or explosives then s/he is excluded from the condition, unless for other reasons his/her probation and parole officer, the parole board or the court, feel that it is pertinent to his/her success under supervision. Then they may invoke this condition as a special condition of his/her probation or parole. This condition does apply to any individual who has been convicted of a misdemeanor that relates to or involves firearms or explosives and to all individuals who are on probation or parole as a result of a felony conviction. The Federal Firearms Act



will cause this condition of restrictions on firearms past the end of a probation or parole period. As it stipulates, it is illegal for a person to have a firearm if s/he has been convicted of a misdemeanor involving firearms or explosives or any law of the state punishable by a term of imprisonment of two (2) years or more. At the time of a probationer or parolee's discharge from probation or parole, s/he should consult with his/her probation and parole officer as to how to obtain relief through the Department of Treasury, Bureau of Alcohol, Tobacco and Firearms Division to the restrictions placed upon the probationer or parolee regarding his/her possession and use of firearms.

(8) The eighth condition reads, "Reporting/Directives: I will report as directed to my probation and parole officer. I agree to abide by any directives given me by my probation and parole officer." The probation and parole officer may have a probationer or parolee report to him/her in a number of different ways, such as his/her personal appearance at his/her office or some other designated place from time-to-time or to send in a monthly supervision report at a designated time. As part of a probationer's or parolee's reporting, s/he may request that s/he bring documents such as check stubs, receipts for restitution or court costs, receipts for installment payments, income tax forms, all of which will be helpful to the officer in planning with the probationer or parolee towards a successful parole and probation period. If the probationer or parolee tries to contact his/her probation and parole office by telephone and s/he is not in at the time of the call, the probationer or parolee must identify him/herself to someone in the office and tell why s/he is calling and why s/he wants to see his/her probation and parole officer. In this way the person at the office can inform the probation and parole officer of the call or the probationer or parolee's wish to see him/her. The probation and parole officer can then get in touch with the probationer or parolee as soon as s/he is able to do so. The officer from time-to-time may give the probationer or parolee special directives that will relate to him/her as an individual. This may not be a condition of the probation or parole as specified on that document; however, they still may be directives that have an important impact as the probationer or parolee and his/her officer plan together for the probationer's or parolee's future. For example, if the probationer or parolee decides to marry, it is advisable for him/her to consult with his/her probation and parole officer and obtain his/her advice and suggestions in this regard. The probation and parole officer may very well wish to interview the probationer's

or parolee's prospective marriage partner in order to make sure that there are no legal barriers to the marriage or misunderstanding between the two (2) of them that might cause difficulty in the marriage at a later date. Obviously, no probationer or parolee is allowed to live in a common law relationship since it is not legal in this state. If a probationer or parolee is living in such a relationship at the time s/he is placed on probation, it will be the responsibility of the probation and parole officer to work with him/her and his/her common law spouse towards consummating the relationship by marriage. Another directive could regard installment buying of some type. Buying a particular item on installments is very easy to do but installment payments are not always easy to make. To help a probationer or parolee avoid getting into financial difficulty, s/he should discuss installment purchasing with his/her probation and parole officer.

(9) The ninth condition reads, "Special Conditions." Both the Division of Probation and Parole and the court that has placed a person on probation have the authority to determine special conditions of probation or parole supervision. Depending on the circumstances of the situation, special conditions may include things such as prohibiting a probationer or parolee from consuming alcoholic beverages, requiring him/her to stay in a halfway house for a certain period or requiring him/her to be involved in an educational-vocational training program. Special conditions may also set out certain restrictions that are placed upon a probationer or parolee if s/he is released for medical or mental treatment. Special conditions are frequently used for setting court costs, fines and restitution. On occasion they will be used to require that the probationer or parolee not visit a specific location or area. These are but examples of special conditions that may be imposed and they certainly are not limited to the previously mentioned list. They are as important as any of the preceding eight (8) conditions of probation and parole and failure to abide by any special condition as stated on an order will be considered a violation of probation or parole.

(10) Location of the central office of the Board of Probation and Parole (where the board members can be found), field probation and parole offices and institutional parole offices are as follows:

(A) Central office is at 211 Marshall, Jefferson City;

(B) Field offices are in St. Joseph, Chillicothe, Hannibal, Kansas City (two (2) locations), Warrensburg, Columbia, St. Louis City (four (4) locations), St. Louis County (two (2) locations), Carthage, Springfield, Rolla,

Farmington, West Plains, Sikeston, Hillsboro, Union, St. Charles, Macon, North Kansas City, Camdenton, Branson, Cape Girardeau, Kennett, Independence, Poplar Bluff, Fulton, Jefferson City and Grandview; and

(C) Institutional parole offices are at the state penitentiary in Jefferson City, the Algoa correctional center near Jefferson City, the central Missouri correctional center near Jefferson City, the training center at Moberly, the correctional center at Pacific and the Boonville correctional center.

Auth: sections 217.690 and 217.755, RSMo (1986). This rule was previously filed as 13 CSR 80-3.010. Original rule filed Feb. 5, 1968, effective Feb. 15, 1968. Amended: Filed Feb. 15, 1968, effective Feb. 25, 1968. Amended: Filed Sept. 4, 1968, effective Sept. 14, 1968. Amended: Filed Nov. 12, 1971, effective Nov. 22, 1971. Emergency amendment filed Aug. 12, 1977, effective Aug. 22, 1977, expired Dec. 10, 1977. Amended: Filed Aug. 12, 1977, effective Dec. 11, 1977. Amended: Filed May 13, 1982, effective Aug. 12, 1982. Amended: Filed Dec. 30, 1983, effective April 12, 1984.

Douglas v. Buder, 412 U.S. 430, 93 S.Ct. 2199, 37 L.Ed.2d 52 (1973). Issuance of a traffic citation is not an "arrest" under either Missouri or Arkansas law for which failure to report cannot be grounds for revocation or probation without violating due process.

Op. Atty. Gen. No. 80, Vermillion, 5-2-74. Board may properly refuse to allow its clients and those sent to Missouri under the Interstate Compact for Supervision of Parolees and Probationers to live in meretricious relationships during the term of their probation or parole.