



Supreme Court of Missouri

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Jefferson City, Mo. 65102

GEORGE W. DRAPER III
CHIEF JUSTICE
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March 30, 2020

Re: Jail Populations and the Coronavirus Disease (COVID-19)

Dear Judges,

As a result of recent inquiries regarding the risk of exposure to COVID-19 in prisons and county and city jails, the Supreme Court of Missouri wants to call attention to the following rules and statutes.

In 2019, this Court revised its bond and pretrial release rules. Rule 33.01 addresses a defendant's right to be released from custody pending trial. Rule 29.18 provides individuals detained as a result of a probation or parole violation also have a right to release prior to any final hearing on the matter. Likewise, Rule 37.15 addresses a defendant's right to be released from custody following an ordinance violation.

Once a defendant has been convicted and sentenced, the power of courts to order release of an incarcerated offender is governed by statute. Missouri courts have the statutory authority to release an offender sentenced to a term in the county jail on judicial parole. Specifically, section 559.100.1 provides:

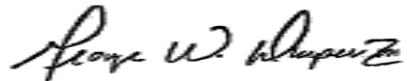
The circuit courts of this state shall have power, herein provided, to place on probation or to parole persons convicted of any offense over which they have jurisdiction, except as otherwise provided in section 559.115, section 565.020, sections 566.030, 566.060, 566.067, 566.125, 566.151, and 566.210, section 571.015, section 579.170, and subsection 3 of section 589.425.

This authority is limited by section 559.115.1, which provides: “Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the offender’s conviction has been filed in appellate court and the disposition of the appeal by such court.”

Section 559.115.2 further provides that, subject to the limitations in section 559.115.1 and 559.115.8, courts “have the power to grant probation to an offender anytime up to one hundred twenty days after such offender has been delivered to the department of corrections but not thereafter.”

The Court appreciates your continued efforts to prevent the spread of COVID-19 in your respective jurisdictions.

Sincerely,

A handwritten signature in black ink, appearing to read "George W. Draper III". The signature is fluid and cursive, with a prominent "G" and "D".

GEORGE W. DRAPER III
Chief Justice

/kkf