County _____
Page No _____

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo., to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

INITIATIVE PETITION

To the Honorable Jason Kander, Secretary of State for the State of Missouri:

We, the undersigned, registered voters of the State of Missouri and _____County (or city of St. Louis) respectfully order that the following proposed law shall be submitted the voters of the State of Missouri for their approval or rejection, at the general election to be held on the 8th day of November 2016 and each for himself/herself says: I have personally signed this petition, I am a registered voter of the State of Missouri and_____ County (or city of St. Louis) my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

(Official Ballot title)

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SEC OF STATE

CIRCULATOR'S AFFIDAVIT

STATE OF MISSOURI, COUNTY OF _____
I _____, being first duly sworn, say (print or type names of signers)

NAME (SIGNATURE)	DATE SIGNED	REGISTERED VOTING ADDRESS (Street), (City, Town or Village)	ZIP CODE	CONGR. DIST.	NAME (Printed or Typed)
1.	/ /20				1.
2.	/ /20				2.
3.	/ /20				3.
4.	/ /20				4.
5.	/ /20				5.
6.	/ /20				6.
7.	/ /20				7.
8.	/ /20				8.
9.	/ /20				9.
10.	/ /20				10.

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence, I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the State of Missouri and _____County (or city of St. Louis).

FUTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY.

I am at least 18 years of age. I do .... do not .... (check one) expect to be paid for circulating this petition. If paid, list the payer _____

_____
Signature of Affiant

_____
Printed Name of Affiant

_____

_____
Address of Affiant

_____
Notary Signature

_____
Printed Name of Notary Public

_____

_____
Address of Notary

Subscribed and sworn to before me this _____ day of _____, AD, 20____.

_____
Notary Public (seal)

My Commission Expires: _____

Initiative Petition

Be it enacted by the people of the State of Missouri

Sections 195.291 and 195.295 of the Revised Missouri Statutes is repealed and three new sections enacted in place thereof to be known as Sections 195.291, 195.295 and 195.297 to read as follows:

Explanation: The existing sections 195.291 and 195.295 is set forth hereinafter with the new matter underlined, and deleted matter in brackets; [thus]

§ Section 195.291 Prior and persistent offenders imprisonment for distribution, delivery, manufacture or production. —

1. Any person who has pleaded guilty to or been found guilty of violation of section 195.211, when punishable as a class B felony, shall be sentenced to the authorized term of imprisonment for a class A felony if the court finds the defendant is a prior drug offender.

2. Any person who has pleaded guilty to or been found guilty of a violation of section 195.211, when punishable as a class B felony, shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served [without probation or parole] <u>in accordance with the provisions of section 195.297</u> if the court finds the defendant is a persistent drug offender.

§ Section 195.295 Prior and persistent offenders—trafficking drugs, second degree, imprisonment for. —

1. Any person who has pleaded guilty to or been found guilty of violation of subdivision (1) of subsection 1 of section 195.223, subdivision (1) of subsection 2 of section 195.223, subdivision (1) of subsection 3 of section 195.223, subdivision (1) of subsection 4 of section 195.223, subdivision (1) of subsection 5 of section 195.223, subdivision (1) of subsection 6 195.223, or subdivision (1) of subsection 7 of section 195.223 shall be sentenced to the authorized term of imprisonment for a class A felony if the court finds the defendant is a prior drug offender.

2. Any person who has pleaded guilty to or been found guilty of a violation of subdivision (1) of subsection 1 of section 195.223, subdivision (1) of subsection 2 of section 195.223, subdivision (1) of subsection 3 of section 195.223, subdivision (1) of subsection 4 of section 195.223, subdivision (1) of subsection 5 of section 195.223, subdivision (1) of subsection 6 of section 195.223, or subdivision (1) of subsection 7 of section 195.223, or subdivision (1) of subsection 9 of section 195.223 shall be sentenced to the authorized term of imprisonment for a class A felony, which term shall be [without probation or parole] <u>served in accordance with the provisions of section 195.297</u> if the court finds the defendant is a persistent drug offender.

3. Any person who has pleaded guilty to or been found guilty of a violation of subdivision (2) of subsection 1 of section 195.223, subdivision (2) of subsection (2) of section 195.223, subdivision (2) of subsection 3 of section 195.223, subdivision (2), of subsection 4 of section 195.223, subdivision (2) of subsection 5 of section 195.223, subdivision (2) of subsection 6 of section 195.223, or subdivision (2) of subsection 7 of section 195.223 or subsection 8 of section 195.223, or subdivision (2) of subsection 9 of section 195.223 shall be sentenced to the authorized term of imprisonment for a class A felony, which term shall be served <u>in accordance with the provisions of section 195.297</u> [without probation or parole] if the court finds the defendant is a prior drug offender.

<u>§ Section 195.297. 1. Section 195.297 shall be known and may be cited as the "Smarter Non-Violent, Prior and Persistent Drug Offenders Act."</u>

<u>2. The provisions of subsections 1 to 3 of this section shall be applicable to a nonviolent offender serving without probation or parole sentences for drug felonies. For the purposes of this section, "previous conviction(s)" means any prior pleading to or being found guilty of a drug related felony. Other provisions of the law to the contrary notwithstanding, any offender who has pleaded guilty to or has been found guilty of a Class A felony under 195.291 (subsection 2) or 195.295 (subsection 2 and 3) and is committed to the department of corrections shall be required to serve the following minimum prison terms:</u>

<u>(1) If the offender has one previous conviction for a non-violent drug felony unrelated to the present offense, the minimum prison term which the offender must serve shall be forty percent of his or her sentence or until the offender attains seventy years of age and has served at least thirty percent of the sentence imposed, whichever occurs first;</u>

<u>(2) If the offender has two previous convictions for non-violent drug felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be fifty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;</u>

<u>(3) If the offender has three or more previous convictions for non-violent drug felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be seventy percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.</u>

<u>(4) This new enactment shall not apply to any offender that has pleaded guilty to or has been convicted of a dangerous felony, in any relation to the relevant drug conviction.</u>

<u>3. For purposes of this section, the term "minimum prison term" shall mean time required to be served by the offender before he or she is eligible for parole, conditional release or other early release by the department of corrections.</u>

<u>4. (1) Courts shall retain discretion to lower a person sentence that has been sentenced to a without probation or parole sentence and order restorative justice methods, when applicable.</u>

<u>(2) As alternative sentences, the Court may impose, prison work programs, work release, home-based incarceration, treatment programs outside of prison, probation and parole options, and any other programs.</u>

<u>(3) The office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the circuit courts of this state by providing information or access to information needed by the Court pertaining to an offender.</u>

<u>5. If the imposition or execution of a sentence is suspended, the court may order any or all of the following restorative justice methods, or any other method that the court finds just or appropriate:</u>

<u>(1) Restitution to any victim or a statutorily created fund for costs incurred as a result of the offender's actions;</u>

<u>(2) Offender treatment programs;</u>

<u>(3) Mandatory community service;</u>

<u>(4) Work release programs in local facilities; and</u>

<u>(5) Community-based residential and nonresidential programs.</u>

<u>(6) Payment to the "Saving Families and Students Fund," ranging from $100.00 up to $500.00</u>

<u>6. The provisions of this section shall apply only to offenses occurring on or after August 3, 1993.</u>

<u>7. Pursuant to subdivision (1) of subsection 5 of this section, the court may order the assessment and payment of a designated amount of restitution to a county law enforcement restitution fund established by the county commission pursuant to section 50.565. Such contribution shall not exceed ten thousand dollars. Any restitution moneys deposited into the county law enforcement restitution fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565.</u>

8. A judge may order payment to a restitution fund only if such fund had been created by ordinance or resolution of a county of the State of Missouri prior to sentencing. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering a defendant to make payment.

9. A defendant who fails to make a payment to a county law enforcement restitution fund may not have his or her parole or probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the defendant either willfully refused to make the payment or that the defendant willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.

10. Nothing in this section shall be construed to prevent circuit courts of the state from entertaining cases that are no longer pending and have become final.

11. All state laws and sentencing practices, which are inconsistent with the subsection (2) of section 195.297 shall no longer be in force and effect insofar as they are inconsistent with this section. As the sole purpose of the enactment, is to, "annul and repeal without probation or parole for non-violent drug offenders sentenced under Section 195.291 or 195.295." To include and replace any prior provisions, language and terminology of sections 195.291 and 195.295, and become consistent with repealing without probation or parole.

12. This measure mandates, that any offender currently serving a non-parolable sentence for drugs sentenced under 195.291 (Subsection 2) or 195.295 (Subsections 2 or 3), to immediately be considered by the Missouri Board of Probation and Parole, for parole consideration, in compliance with this measure.

13. Under this measure, a "Life sentence" shall be calculated as 30 years.

14. This measure requires that the annual savings to the state created thereby, of this measure, as estimated by the Governor's administration, be annually transferred from the General Fund into a new state fund, the Saving Families and Students Fund. Under this measure, monies in the fund would be divided as follows:

- 25 percent for grants aimed at reducing truancy and drop-outs among K-12 students in Missouri Public Schools. (State Department of Education)
- 10 percent for victims services grants. (Missouri Restorative Justice)
- 50 percent to support mental health and drug abuse treatment services that are designed to help keep individuals out of prison and jail. (Missouri Department of Mental Health, Missouri Department of Corrections/Probation and Parole)
- 15 percent to create and maintain employment training for convicted felons, aimed at lowering recidivism. (Missouri Department of Corrections, Missouri Office of Probation and Parole)