

FIRST REGULAR SESSION

# SENATE BILL NO. 389

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CURLS.

Read 1st time February 26, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1686S.011

## AN ACT

To amend chapter 217, RSMo, by adding thereto one new section relating to the duties of the board of probation and parole.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 217, RSMo, is amended by adding thereto one new section, to be known as section 217.693, to read as follows:

**217.693. 1. To encourage and assist the governor in carrying out his or her constitutional responsibility, the board shall review thoroughly the case history and prison record of any offender incarcerated in a correctional institution who is serving a sentence of more than fifteen years, including life without the possibility of parole, and who:**

**(1) Has no prior felony conviction;**

**(2) Has served at least fifteen years of such sentence; and**

**(3) Has exhausted all of such offender's appeals, in both state and federal court.**

**2. Except as provided under subsection 3 of this section, the board, after study and review of such cases, shall prepare a report to the governor with a recommendation to either grant or deny executive clemency. The board shall make its report to the governor within a reasonable time. This report shall also be given to each offender whose case has been reviewed at the same time it is presented to the governor to allow the offender to assess his or her own progress.**

**3. If the board determines after study and review of an offender's case pursuant to subsection 1 of this section that the offender has ever been physically, mentally, emotionally, or sexually abused or the offender's age, maturity level and any contributing**

22 influence at the time of the offense affected the offender's judgment,  
23 then, after serving at least fifteen years of such sentence, the offender  
24 shall be eligible for parole.

25 4. Any offender released under this section shall be under the  
26 supervision of the board for an amount of time to be determined by the  
27 board.

28 5. Nothing in this section shall limit the review of any other  
29 offender's case who has applied for clemency, nor shall it limit in any  
30 way the governor's power to grant clemency.

31 6. The board shall consider, but not be limited to, the following  
32 criteria when making its decision:

33 (1) Length of time served;

34 (2) Prison record and self-rehabilitation efforts;

35 (3) Whether the history of the case included evidence of physical,  
36 mental, emotional, or sexual abuse of the offender;

37 (4) The offender's role in the perpetration of the crime and the  
38 degree of violence exhibited;

39 (5) If an offer of a plea bargain was made and if so, why the  
40 offender rejected or accepted the offer;

41 (6) The severity of the sentence received considering the  
42 offender's role in the crime;

43 (7) The age and maturity of the offender at the time of the crime  
44 and any contributing influence affecting the offender's judgment; and

45 (8) Whether the offender has given substantial thought to a  
46 workable parole plan.

47 7. Any offender's case reviewed under this section shall be  
48 reviewed as provided under this section every three years the offender  
49 remains incarcerated.

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