

SECOND REGULAR SESSION

SENATE BILL NO. 1006

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Read 1st time February 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6300S.011

AN ACT

To repeal sections 217.670 and 217.690, RSMo, and to enact in lieu thereof two new sections relating to videoconferencing at hearings before the board of probation and parole.

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

Section A. Sections 217.670 and 217.690, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 217.670 and 217.690, to read as follows:

217.670. 1. The board shall adopt an official seal of which the courts shall take official notice.

2. Decisions of the board regarding granting of paroles, extensions of a conditional release date or revocations of a parole or conditional release shall be by a majority vote of the hearing panel members. The hearing panel shall consist of one member of the board and two hearing officers appointed by the board. A member of the board may remove the case from the jurisdiction of the hearing panel and refer it to the full board for a decision. Within thirty days of entry of the decision of the hearing panel to deny parole or to revoke a parole or conditional release, the offender may appeal the decision of the hearing panel to the board. The board shall consider the appeal within thirty days of receipt of the appeal. The decision of the board shall be by majority vote of the board members and shall be final.

3. The orders of the board shall not be reviewable except as to compliance with the terms of sections 217.650 to 217.810 or any rules promulgated pursuant to such section.

4. The board shall keep a record of its acts and shall notify each

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 correctional center of its decisions relating to persons who are or have been
19 confined in such correctional center.

20 5. Notwithstanding any other provision of law, any meeting, record, or
21 vote, of proceedings involving probation, parole, or pardon, may be a closed
22 meeting, closed record, or closed vote.

23 6. Notwithstanding any other provision of law, when the appearance or
24 presence of an offender before the board or a hearing panel is required for the
25 purpose of deciding whether to grant conditional release or parole, extend the
26 date of conditional release, revoke parole or conditional release, or for any other
27 purpose, such appearance or presence may occur by means of a videoconference
28 at the discretion of the board. Victims having a right to attend parole hearings
29 may testify either at the site where the board is conducting the videoconference
30 or at the institution where the offender is located. The use of videoconferencing
31 in this section shall be at the discretion of the board, and shall not be utilized if
32 [either the offender,] the victim or the victim's family objects to it.

217.690. 1. When in its opinion there is reasonable probability that an
2 offender of a correctional center can be released without detriment to the
3 community or to himself, the board may in its discretion release or parole such
4 person except as otherwise prohibited by law. All paroles shall issue upon order
5 of the board, duly adopted.

6 2. Before ordering the parole of any offender, the board shall have the
7 offender appear before a hearing panel and shall conduct [a personal] **an**
8 interview with him, unless waived by the offender. A parole shall be ordered only
9 for the best interest of society, not as an award of clemency; it shall not be
10 considered a reduction of sentence or a pardon. An offender shall be placed on
11 parole only when the board believes that he is able and willing to fulfill the
12 obligations of a law-abiding citizen. Every offender while on parole shall remain
13 in the legal custody of the department but shall be subject to the orders of the
14 board.

15 3. The board has discretionary authority to require the payment of a fee,
16 not to exceed sixty dollars per month, from every offender placed under board
17 supervision on probation, parole, or conditional release, to waive all or part of any
18 fee, to sanction offenders for willful nonpayment of fees, and to contract with a
19 private entity for fee collections services. All fees collected shall be deposited in
20 the inmate fund established in section 217.430. Fees collected may be used to
21 pay the costs of contracted collections services. The fees collected may otherwise

22 be used to provide community corrections and intervention services for
23 offenders. Such services include substance abuse assessment and treatment,
24 mental health assessment and treatment, electronic monitoring services,
25 residential facilities services, employment placement services, and other offender
26 community corrections or intervention services designated by the board to assist
27 offenders to successfully complete probation, parole, or conditional release.
28 The board shall adopt rules not inconsistent with law, in accordance with section
29 217.040, with respect to sanctioning offenders and with respect to establishing,
30 waiving, collecting, and using fees.

31 4. The board shall adopt rules not inconsistent with law, in accordance
32 with section 217.040, with respect to the eligibility of offenders for parole, the
33 conduct of parole hearings or conditions to be imposed upon paroled
34 offenders. Whenever an order for parole is issued it shall recite the conditions
35 of such parole.

36 5. When considering parole for an offender with consecutive sentences, the
37 minimum term for eligibility for parole shall be calculated by adding the
38 minimum terms for parole eligibility for each of the consecutive sentences, except
39 the minimum term for parole eligibility shall not exceed the minimum term for
40 parole eligibility for an ordinary life sentence.

41 6. Any offender under a sentence for first degree murder who has been
42 denied release on parole after a parole hearing shall not be eligible for another
43 parole hearing until at least three years from the month of the parole denial;
44 however, this subsection shall not prevent a release pursuant to subsection 4 of
45 section 558.011.

46 7. Parole hearings shall, at a minimum, contain the following procedures:

47 (1) The victim or person representing the victim who attends a hearing
48 may be accompanied by one other person;

49 (2) The victim or person representing the victim who attends a hearing
50 shall have the option of giving testimony in the presence of the inmate or to the
51 hearing panel without the inmate being present;

52 (3) The victim or person representing the victim may call or write the
53 parole board rather than attend the hearing;

54 (4) The victim or person representing the victim may have a personal
55 meeting with a board member at the board's central office;

56 (5) The judge, prosecuting attorney or circuit attorney and a
57 representative of the local law enforcement agency investigating the crime shall

58 be allowed to attend the hearing or provide information to the hearing panel in
59 regard to the parole consideration; and

60 (6) The board shall evaluate information listed in the juvenile sex offender
61 registry pursuant to section 211.425, provided the offender is between the ages
62 of seventeen and twenty-one, as it impacts the safety of the community.

63 8. The board shall notify any person of the results of a parole eligibility
64 hearing if the person indicates to the board a desire to be notified.

65 9. The board may, at its discretion, require any offender seeking parole
66 to meet certain conditions during the term of that parole so long as said
67 conditions are not illegal or impossible for the offender to perform. These
68 conditions may include an amount of restitution to the state for the cost of that
69 offender's incarceration.

70 10. Nothing contained in this section shall be construed to require the
71 release of an offender on parole nor to reduce the sentence of an offender
72 heretofore committed.

73 11. Beginning January 1, 2001, the board shall not order a parole unless
74 the offender has obtained a high school diploma or its equivalent, or unless the
75 board is satisfied that the offender, while committed to the custody of the
76 department, has made an honest good-faith effort to obtain a high school diploma
77 or its equivalent; provided that the director may waive this requirement by
78 certifying in writing to the board that the offender has actively participated in
79 mandatory education programs or is academically unable to obtain a high school
80 diploma or its equivalent.

81 12. Any rule or portion of a rule, as that term is defined in section
82 536.010, that is created under the authority delegated in this section shall
83 become effective only if it complies with and is subject to all of the provisions of
84 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
85 nonseverable and if any of the powers vested with the general assembly pursuant
86 to chapter 536 to review, to delay the effective date, or to disapprove and annul
87 a rule are subsequently held unconstitutional, then the grant of rulemaking
88 authority and any rule proposed or adopted after August 28, 2005, shall be
89 invalid and void.

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