

SENATE BILL NO. 838

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAY.

3886S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 558.047, RSMo, and to enact in lieu thereof one new section relating to sentence review for certain persons.

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

Section A. Section 558.047, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 558.047,
3 to read as follows:

558.047. 1. [(1)] Any person sentenced to a term of
2 imprisonment for life **with or** without eligibility for parole
3 **[before August 28, 2016], a term of imprisonment amounting**
4 **to fifteen years or more, or multiple terms of imprisonment**
5 **that, taken together, amount to fifteen or more years** who
6 was under eighteen years of age at the time of the
7 commission of the offense or offenses[,] may submit to the
8 parole board a petition for a review of his or her sentence,
9 regardless of whether the case is final for purposes of
10 appeal, after serving **[twenty-five] fifteen** years of
11 incarceration **[on the sentence of life without parole] and**
12 **shall thereafter be eligible for reconsideration hearings**
13 **every three years until a presumptive release date has been**
14 **established by the parole board.**

15 [(2) Any person found guilty of murder in the first
16 degree who was sentenced on or after August 28, 2016, to a
17 term of life imprisonment with eligibility for parole or a
18 term of imprisonment of not less than thirty years and not

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

19 to exceed forty years, who was under eighteen years of age
20 at the time of the commission of the offense or offenses may
21 submit to the parole board a petition for a review of his or
22 her sentence, regardless of whether the case is final for
23 purposes of appeal, after serving twenty-five years of
24 incarceration, and a subsequent petition after serving
25 thirty-five years of incarceration.】

26 2. A copy of the petition shall be served on the
27 office of the prosecutor in the judicial circuit of original
28 jurisdiction. The petition shall include the person's
29 statement that he or she was under eighteen years of age at
30 the time of the offense, is eligible to petition under this
31 section, and requests that his or her sentence be reviewed.

32 3. If any of the information required in subsection 2
33 of this section is missing from the petition, or if proof of
34 service on the prosecuting or circuit attorney is not
35 provided, the parole board shall return the petition to the
36 person and advise him or her that the matter cannot be
37 considered without the missing information.

38 4. The parole board shall hold a hearing and determine
39 if the defendant shall be granted parole. At such a
40 hearing, the victim or victim's family members shall retain
41 their rights under section 595.209.

42 5. In a parole review hearing under this section, the
43 board shall consider, in addition to the factors listed in
44 section 565.033:

45 (1) Efforts made toward rehabilitation since the
46 offense or offenses occurred, including participation in
47 educational, vocational, or other programs during
48 incarceration, when available;

49 (2) The subsequent growth and increased maturity of
50 the person since the offense or offenses occurred;

51 (3) Evidence that the person has accepted
52 accountability for the offense or offenses, except in cases
53 where the person has maintained his or her innocence;

54 (4) The person's institutional record during
55 incarceration; and

56 (5) Whether the person remains the same risk to
57 society as he or she did at the time of the initial
58 sentencing.

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