

SENATE BILL NO. 124

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR WILLIAMS.

0960S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 217.690, RSMo, and to enact in lieu thereof one new section relating to release by the parole board.

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

Section A. Section 217.690, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 217.690,
3 to read as follows:

217.690. 1. All releases or paroles shall issue upon
2 order of the parole board, duly adopted.

3 2. Before ordering the parole of any offender, the
4 parole board shall conduct a validated risk and needs
5 assessment and evaluate the case under the rules governing
6 parole that are promulgated by the parole board. **Among the**
7 **factors the parole board shall consider when determining if**
8 **an offender shall be placed on parole are the offender's**
9 **institutional behavior and any participation in any**
10 **vocational, treatment, rehabilitative, or educational**
11 **programs offered by the department of corrections.** The
12 parole board shall then have the offender appear before a
13 **public** hearing panel and shall conduct a personal interview
14 with him or her, unless waived by the offender, or if the
15 guidelines indicate the offender may be paroled without need
16 for an interview. The guidelines and rules shall not allow
17 for the waiver of a hearing if a victim requests a hearing.
18 The appearance or presence may occur by means of a

19 videoconference at the discretion of the parole board **and**
20 **with the consent of the offender.** A parole may be ordered
21 for the best interest of society when there is a reasonable
22 probability, based on the risk assessment and indicators of
23 release readiness, that the person can be supervised under
24 parole supervision and successfully reintegrated into the
25 community, not as an award of clemency; it shall not be
26 considered a reduction of sentence or a pardon. **The parole**
27 **board shall provide written notice to the offender of the**
28 **board's decision within ten days of any hearing or any**
29 **deliberation of the board if the hearing was waived by the**
30 **offender or the guidelines indicated a hearing was not**
31 **required. A decision to deny parole shall include a**
32 **description of the reasons for the parole denial and the**
33 **steps the offender may take to be a more suitable candidate**
34 **for parole at a subsequent hearing.** Every offender while on
35 parole shall remain in the legal custody of the department
36 but shall be subject to the orders of the parole board.

37 3. The division of probation and parole has
38 discretionary authority to require the payment of a fee, not
39 to exceed sixty dollars per month, from every offender
40 placed under division supervision on probation, parole, or
41 conditional release, to waive all or part of any fee, to
42 sanction offenders for willful nonpayment of fees, and to
43 contract with a private entity for fee collections
44 services. All fees collected shall be deposited in the
45 inmate fund established in section 217.430. Fees collected
46 may be used to pay the costs of contracted collections
47 services. The fees collected may otherwise be used to
48 provide community corrections and intervention services for
49 offenders. Such services include substance abuse assessment
50 and treatment, mental health assessment and treatment,

51 electronic monitoring services, residential facilities
52 services, employment placement services, and other offender
53 community corrections or intervention services designated by
54 the division of probation and parole to assist offenders to
55 successfully complete probation, parole, or conditional
56 release. The division of probation and parole shall adopt
57 rules not inconsistent with law, in accordance with section
58 217.040, with respect to sanctioning offenders and with
59 respect to establishing, waiving, collecting, and using fees.

60 4. The parole board shall adopt rules not inconsistent
61 with law, in accordance with section 217.040, with respect
62 to the eligibility of offenders for parole, the conduct of
63 parole hearings or conditions to be imposed upon paroled
64 offenders. Whenever an order for parole is issued it shall
65 recite the conditions of such parole.

66 5. When considering parole for an offender with
67 consecutive sentences, the minimum term for eligibility for
68 parole shall be calculated by adding the minimum terms for
69 parole eligibility for each of the consecutive sentences,
70 except the minimum term for parole eligibility shall not
71 exceed the minimum term for parole eligibility for an
72 ordinary life sentence.

73 6. Any offender sentenced to a term of imprisonment
74 amounting to fifteen years or more or multiple terms of
75 imprisonment that, taken together, amount to fifteen or more
76 years who was under eighteen years of age at the time of the
77 commission of the offense or offenses may be eligible for
78 parole after serving fifteen years of incarceration,
79 regardless of whether the case is final for the purposes of
80 appeal, and may be eligible for reconsideration hearings in
81 accordance with regulations promulgated by the parole board.

82 7. The provisions of subsection 6 of this section
83 shall not apply to an offender found guilty of murder in the
84 first degree or capital murder who was under eighteen years
85 of age when the offender committed the offense or offenses
86 who may be found ineligible for parole or whose parole
87 eligibility may be controlled by section 558.047 or 565.033.

88 8. Any offender under a sentence for first degree
89 murder who has been denied release on parole after a parole
90 hearing shall not be eligible for another parole hearing
91 until at least three years from the month of the parole
92 denial; however, this subsection shall not prevent a release
93 pursuant to subsection 4 of section 558.011.

94 9. A victim who has requested an opportunity to be
95 heard shall receive notice that the parole board is
96 conducting an assessment of the offender's risk and
97 readiness for release and that the victim's input will be
98 particularly helpful when it pertains to safety concerns and
99 specific protective measures that may be beneficial to the
100 victim should the offender be granted release.

101 10. Parole hearings shall, at a minimum, contain the
102 following procedures:

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

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

109 (3) The victim or person representing the victim may
110 call or write the parole board rather than attend the
111 hearing;

112 (4) The victim or person representing the victim may
113 have a personal meeting with a parole board member at the
114 parole board's central office;

115 (5) The judge, prosecuting attorney or circuit
116 attorney and a representative of the local law enforcement
117 agency investigating the crime shall be allowed to attend
118 the hearing or provide information to the hearing panel in
119 regard to the parole consideration; and

120 (6) The parole board shall evaluate information listed
121 in the juvenile sex offender registry pursuant to section
122 211.425, provided the offender is between the ages of
123 seventeen and twenty-one, as it impacts the safety of the
124 community.

125 11. The parole board shall notify any person of the
126 results of a parole eligibility hearing if the person
127 indicates to the parole board a desire to be notified.

128 12. The parole board may, at its discretion, require
129 any offender seeking parole to meet certain conditions
130 during the term of that parole so long as said conditions
131 are not illegal or impossible for the offender to perform.
132 These conditions may include an amount of restitution to the
133 state for the cost of that offender's incarceration.

134 13. Special parole conditions shall be responsive to
135 the assessed risk and needs of the offender or the need for
136 extraordinary supervision, such as electronic monitoring.
137 The parole board shall adopt rules to minimize the
138 conditions placed on low-risk cases, to frontload conditions
139 upon release, and to require the modification and reduction
140 of conditions based on the person's continuing stability in
141 the community. Parole board rules shall permit parole
142 conditions to be modified by parole officers with review and
143 approval by supervisors.

144 14. Nothing contained in this section shall be
145 construed to require the release of an offender on parole
146 nor to reduce the sentence of an offender heretofore
147 committed.

148 15. Beginning January 1, 2001, the parole board shall
149 not order a parole unless the offender has obtained a high
150 school diploma or its equivalent, or unless the parole board
151 is satisfied that the offender, while committed to the
152 custody of the department, has made an honest good-faith
153 effort to obtain a high school diploma or its equivalent;
154 provided that the director may waive this requirement by
155 certifying in writing to the parole board that the offender
156 has actively participated in mandatory education programs or
157 is academically unable to obtain a high school diploma or
158 its equivalent.

159 16. Any rule or portion of a rule, as that term is
160 defined in section 536.010, that is created under the
161 authority delegated in this section shall become effective
162 only if it complies with and is subject to all of the
163 provisions of chapter 536 and, if applicable, section
164 536.028. This section and chapter 536 are nonseverable and
165 if any of the powers vested with the general assembly
166 pursuant to chapter 536 to review, to delay the effective
167 date, or to disapprove and annul a rule are subsequently
168 held unconstitutional, then the grant of rulemaking
169 authority and any rule proposed or adopted after August 28,
170 2005, shall be invalid and void.

✓