

FIRST REGULAR SESSION

# HOUSE BILL NO. 733

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WALTON GRAY (Sponsor) AND ELLINGER (Co-sponsor).

0357L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

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

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*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 217.691, to read as follows:

**217.691. 1. Notwithstanding any other provision of law, any offender sentenced to or incarcerated in a correctional institution for a term of five or more years who already is or becomes physically or mentally disabled, infirm, incompetent, or incapacitated to such a degree that such offender needs to be permanently placed in an infirmary, health, or mental care facility while serving said sentence and who is eligible for federal medical, psychological, and financial benefits, may be released on parole and placed in such medical, psychological, or other adult care treatment facility as such offender is eligible to be placed in and receive federal medical, psychological, or financial benefits provided that the board of probation and parole makes a determination that such offender is incapable of inflicting violence on others and does not pose a danger to the health, welfare, or safety of others.**

**2. The board shall consider, but not be limited to, the following criteria when making its decision:**

**(1) Length of time served;**

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           **(4) The offender's role in the perpetration of the crime and the degree of violence**  
19 **exhibited;**

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

22           **(6) The severity of the sentence received considering the offender's role in the**  
23 **crime;**

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

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