

FIRST REGULAR SESSION

HOUSE BILL NO. 406

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KELLEY (47), OSTMANN, FRASER, LONG, WILLIAMS, RIBACK WILSON (25) (Co-sponsors), SCHWAB, MYERS, DAVIS, ROBIRDS, MOORE, BEARDEN, PHILLIPS, BOUCHER, REINHART AND BRAY.

Read 1st time January 17, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

0692L.011

AN ACT

To amend chapter 217, RSMo, relating to the department of corrections 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
2 known as section 217.693, to read as follows:

**217.693. 1. To encourage and assist the governor in carrying out his or her
2 constitutional responsibility, the board shall review thoroughly the case history and prison
3 record of those offenders incarcerated in a correctional institution with a sentence that
4 includes no possibility of parole and the offender:**

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

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

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

8 **2. The board, after considerable study and review of such cases and after
9 personally interviewing each eligible offender, shall prepare a report to the governor with
10 a recommendation to either grant or deny executive clemency thereby making the offender
11 eligible for parole. The board shall make their report to the governor within sixty days of
12 the time of the personal interview with the qualifying offender. This report shall also be
13 given to each offender interviewed at the same time it is presented to the Governor, thereby
14 allowing them to assess their own progress.**

15 **3. Any offender released pursuant to this section shall be under the supervision of
16 the board for at least five years.**

17 **4. Nothing in this section shall limit the review of any other offender's case who has**

18 applied for clemency, nor shall it limit in any way the governor's power to grant clemency.

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

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

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

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

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

26 **(5) Whether a plea bargain was rejected and why;**

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

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

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

32 **(9) Whether new evidence has arisen showing the offender to be innocent.**

33 **6. Any offender's case reviewed pursuant to this section shall be again reviewed and**
34 **a recommendation made to the governor every two years if the offender remains**
35 **incarcerated.**