

HB 2090 -- BOARD OF PROBATION AND PAROLE

SPONSOR: Ellington

This bill requires the Board of Probation and Parole within the Department of Corrections to review the case history and prison record of any offender incarcerated with a sentence of more than 15 years imprisonment or life without parole if the offender has no prior felony conviction, has served at least 15 years of the sentence, and has exhausted all of his or her state and federal appeals. After study and review and within a reasonable amount of time, the board must submit a report to the Governor with a recommendation to grant or deny executive clemency. A copy of the report must also be given to the offender at the same time it is presented to the Governor.

An offender will be eligible for parole after serving at least 15 years of a sentence if his or her history includes evidence of physical, mental, emotional, or sexual abuse; age and maturity at the time of the crime and any contributing influence affected the offender's judgment; prior convictions, if any, do not include any felony conviction; and appeals in state and federal courts have been exhausted.

When deciding whether to recommend executive clemency, the board must consider:

- (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;
- (4) The offender's role in the perpetration of the crime and the degree of violence exhibited;
- (5) If an offer of a plea bargain was made and if so, why the offender rejected or accepted the offer;
- (6) The severity of the sentence received considering the offender's role in the crime;
- (7) The age and maturity of the offender at the time of the crime and any contributing influence affecting the offender's judgment; and
- (8) Whether the offender has given substantial thought to a workable parole plan.

If an offender remains incarcerated, his or her case must be reviewed and a recommendation made every three years.

The bill cannot limit the review of a case of any offender who has applied for clemency or limit the Governor's power to grant clemency.