

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 352

100TH GENERAL ASSEMBLY

0667H.02P

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To amend chapter 217, RSMo, by adding thereto one new section relating to parole eligibility.

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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  
2 known as section 217.697, to read as follows:

**217.697. 1. Notwithstanding any other provision of law, any offender who:**

2 **(1) Is incarcerated in a correctional facility after being sentenced by a court of this**  
3 **state;**

4 **(2) Is serving a sentence of life without parole for a minimum of fifty years or more;**

5 **(3) Is sixty-five years of age or older;**

6 **(4) Has no felony conviction for a dangerous felony, as defined under section**  
7 **556.061, prior to the conviction for which he or she is currently incarcerated, unless the**  
8 **prior conviction arose out of the same transaction or occurrence; and**

9 **(5) Is not a convicted sex offender**

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11 **shall receive a parole hearing upon serving thirty years or more of his or her sentence.**

12 **2. During the parole hearing required under subsection 1 of this section, the parole**  
13 **board shall determine whether there is a reasonable probability the offender shall live and**  
14 **remain at liberty without violating the law upon release. If the board determines a**  
15 **reasonable probability exists, the offender shall be eligible for release upon a finding that**  
16 **the offender has:**

17 **(1) A record of good conduct while incarcerated;**

18 **(2) Demonstrated self-rehabilitation while incarcerated;**

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.

19           **(3) A workable parole plan, including community and family support;**

20           **(4) An institutional risk factor score no higher than one; and**

21           **(5) A mental health score of one, two, or three.**

22           **3. Any offender granted parole under this section shall be subject to a minimum**  
23 **of five years of supervision by the division of probation and parole upon release.**

24           **4. If the board does not grant parole to an offender who qualifies for parole**  
25 **eligibility under subsection 1 of this section, the offender shall be eligible for a parole**  
26 **reconsideration hearing every two years until a presumptive release date is established.**

27           **5. Nothing in this section shall diminish the consideration of parole under any other**  
28 **provision of law applicable to the offender or the responsibility and authority of the**  
29 **governor to grant clemency, including pardons and commutation of sentences if necessary**  
30 **or desirable.**

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