

HCS #2 HB 352 -- EARLY PAROLE OF GERIATRIC INMATES

SPONSOR: Hannegan

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Criminal Justice by a vote of 6 to 2. Voted "Do Pass" by the Standing Committee on Rules - Administrative Oversight by a vote of 8 to 0. Was referred back to the Rules - Administrative Oversight Committee from the floor and was voted "Do Pass with HCS #2" by a vote of 5 to 1.

This bill specifies that any incarcerated offender 65 years of age or older who has no prior felony convictions of a violent nature, who is not a convicted sexual offender, who is serving a sentence of life without parole for a minimum of 50 years or more, and whose term of life imprisonment was not for the duration of the offender's natural life must receive a parole hearing upon serving 30 years or more of his or her sentence.

The Parole Board must determine whether there is a reasonable probability that the offender will not violate the law upon release and therefore is eligible for release based upon a finding that the offender meets specified criteria.

The bill requires any offender granted parole under these provisions to be placed on a minimum of five years supervision by the Board of Probation and Parole.

Any offender who is not granted parole under these provisions must be eligible for reconsideration every two years until a presumptive release date is established.

This bill is similar to HB 1359 (2018).

PROPOSERS: Supporters say that making mandatory parole hearings after 30 years available to inmates who are 65 or older and serving life sentences would affect approximately 80 to 100 inmates. This addresses a very specific set of offenders. This is trying to catch the remaining inmates, who were incarcerated when the term of life changed from 50 to 30 years, or more. The prison system is awful to geriatric offenders.

Testifying for the bill were Representative Hannegan; Shannon Norman, Shannon Norman Law; Judy Henderson; Empower Missouri; Jeffrey Mizanskey; Daniel Dodson, Missouri Association of Criminal Defense Lawyers; and Missouri Catholic Conference.

OPPOSERS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that every offender goes through an initial classification assessment to determine what kind of risk to the public or institution the offender might create. A reclassification is completed each year. A certain score would mean that the offender is not eligible for release.

Testifying on the bill was the Missouri Department of Corrections.