

FIRST EXTRAORDINARY SESSION OF THE
SECOND REGULAR SESSION
[CORRECTED]

HOUSE BILL NO. 14

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHROER.

5799H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 558.047, RSMo, and to enact in lieu thereof one new section relating to sentence review for certain persons, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 558.047, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 558.047, to read as follows:

558.047. 1. ~~[(1)]~~ Any person sentenced to a term of imprisonment for life **with or** without eligibility for parole ~~[before August 28, 2016]~~, **a term of imprisonment amounting to fifteen years or more, or multiple terms of imprisonment that, taken together, amount to fifteen or more years** who was under eighteen years of age at the time of the commission of the offense or offenses~~[-]~~ may submit to the parole board a petition for a review of his or her sentence, regardless of whether the case is final for purposes of appeal, after serving ~~[twenty-five]~~ **fifteen** years of incarceration ~~[on the sentence of life without parole]~~ **and shall thereafter be eligible for reconsideration hearings every three years until a presumptive release date has been established by the parole board.**

~~[(2)] Any person found guilty of murder in the first degree who was sentenced on or after August 28, 2016, to a term of life imprisonment with eligibility for parole or a term of imprisonment of not less than thirty years and not to exceed forty years, who was under eighteen years of age at the time of the commission of the offense or offenses may submit to the parole board a petition for a review of his or her sentence, regardless of whether the case is final for~~

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.

15 ~~purposes of appeal, after serving twenty-five years of incarceration, and a subsequent petition~~
16 ~~after serving thirty-five years of incarceration.]~~

17 2. A copy of the petition shall be served on the office of the prosecutor in the judicial
18 circuit of original jurisdiction. The petition shall include the person's statement that he or she
19 was under eighteen years of age at the time of the offense, is eligible to petition under this
20 section, and requests that his or her sentence be reviewed.

21 3. If any of the information required in subsection 2 of this section is missing from the
22 petition, or if proof of service on the prosecuting or circuit attorney is not provided, the parole
23 board shall return the petition to the person and advise him or her that the matter cannot be
24 considered without the missing information.

25 4. The parole board shall hold a hearing and determine if the defendant shall be granted
26 parole. At such a hearing, the victim or victim's family members shall retain their rights under
27 section 595.209.

28 5. In a parole review hearing under this section, the board shall consider, in addition to
29 the factors listed in section 565.033:

30 (1) Efforts made toward rehabilitation since the offense or offenses occurred, including
31 participation in educational, vocational, or other programs during incarceration, when available;

32 (2) The subsequent growth and increased maturity of the person since the offense or
33 offenses occurred;

34 (3) Evidence that the person has accepted accountability for the offense or offenses,
35 except in cases where the person has maintained his or her innocence;

36 (4) The person's institutional record during incarceration; and

37 (5) Whether the person remains the same risk to society as he or she did at the time of
38 the initial sentencing.

Section B. Because immediate action is necessary to restore the constitutional rights of
2 Missourians who have been deprived of such rights, section A of this act is deemed necessary
3 for the immediate preservation of the public health, welfare, peace, and safety, and is hereby
4 declared to be an emergency act within the meaning of the constitution, and section A of this act
5 shall be in full force and effect upon its passage and approval.

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