

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Bill No. 318, Page 1, Section 217.199, Line 10, by inserting after said section and  
2 line the following:

3  
4 "217.690. 1. All releases or paroles shall issue upon order of the board, duly adopted.

5 2. Before ordering the parole of any offender, the board shall conduct a validated risk and  
6 needs assessment and evaluate the case under the rules governing parole that are promulgated by the  
7 board. The board shall then have the offender appear before a hearing panel and shall conduct a  
8 personal interview with him, unless waived by the offender, or if the guidelines indicate the offender  
9 may be paroled without need for an interview. The guidelines and rules shall not allow for the  
10 waiver of a hearing if a victim requests a hearing. The appearance or presence may occur by means  
11 of a videoconference at the discretion of the board. A parole may be ordered for the best interest of  
12 society when there is a reasonable probability, based on the risk assessment and indicators of release  
13 readiness, that the person can be supervised under parole supervision and successfully reintegrated  
14 into the community, not as an award of clemency; it shall not be considered a reduction of sentence  
15 or a pardon. Every offender while on parole shall remain in the legal custody of the department but  
16 shall be subject to the orders of the board.

17 3. The division of probation and parole has discretionary authority to require the payment of  
18 a fee, not to exceed sixty dollars per month, from every offender placed under division supervision  
19 on probation, parole, or conditional release, to waive all or part of any fee, to sanction offenders for  
20 willful nonpayment of fees, and to contract with a private entity for fee collections services. All  
21 fees collected shall be deposited in the inmate fund established in section 217.430. Fees collected  
22 may be used to pay the costs of contracted collections services. The fees collected may otherwise  
23 be used to provide community corrections and intervention services for offenders. Such services  
24 include substance abuse assessment and treatment, mental health assessment and treatment,  
25 electronic monitoring services, residential facilities services, employment placement services, and  
26 other offender community corrections or intervention services designated by the division of  
27 probation and parole to assist offenders to successfully complete probation, parole, or conditional  
28 release. The board shall adopt rules not inconsistent with law, in accordance with section 217.040,  
29 with respect to sanctioning offenders and with respect to establishing, waiving, collecting, and using  
30 fees.

31 4. The board shall adopt rules not inconsistent with law, in accordance with section 217.040,  
32 with respect to the eligibility of offenders for parole, the conduct of parole hearings or conditions to  
33 be imposed upon paroled offenders. Whenever an order for parole is issued it shall recite the  
34 conditions of such parole.

35 5. When considering parole for an offender with consecutive sentences, the minimum term  
36 for eligibility for parole shall be calculated by adding the minimum terms for parole eligibility for

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1 each of the consecutive sentences, except the minimum term for parole eligibility shall not exceed  
2 the minimum term for parole eligibility for an ordinary life sentence.

3 6. Any offender sentenced to a term of imprisonment amounting to fifteen years or more or  
4 multiple terms of imprisonment that, taken together, amount to fifteen or more years who was under  
5 eighteen years of age at the time of the commission of the offense or offenses may be eligible for  
6 parole after serving fifteen years of incarceration, regardless of whether the case is final for the  
7 purposes of appeal, and may be eligible for reconsideration hearings in accordance with regulations  
8 promulgated by the parole board.

9 7. The provisions of subsection 6 shall not apply to an offender found guilty of murder in  
10 the first degree or capital murder who was under eighteen years of age when the offender committed  
11 the offense or offenses who may be found ineligible for parole or whose parole eligibility may be  
12 controlled by section 558.047 or 565.033.

13 8. Any offender under a sentence for first degree murder who has been denied release on  
14 parole after a parole hearing shall not be eligible for another parole hearing until at least three years  
15 from the month of the parole denial; however, this subsection shall not prevent a release pursuant to  
16 subsection 4 of section 558.011.

17 ~~[7.]~~ 9. A victim who has requested an opportunity to be heard shall receive notice that the  
18 board is conducting an assessment of the offender's risk and readiness for release and that the  
19 victim's input will be particularly helpful when it pertains to safety concerns and specific protective  
20 measures that may be beneficial to the victim should the offender be granted release.

21 ~~[8.]~~ 10. Parole hearings shall, at a minimum, contain the following procedures:

22 (1) The victim or person representing the victim who attends a hearing may be accompanied  
23 by one other person;

24 (2) The victim or person representing the victim who attends a hearing shall have the option  
25 of giving testimony in the presence of the inmate or to the hearing panel without the inmate being  
26 present;

27 (3) The victim or person representing the victim may call or write the parole board rather  
28 than attend the hearing;

29 (4) The victim or person representing the victim may have a personal meeting with a board  
30 member at the board's central office;

31 (5) The judge, prosecuting attorney or circuit attorney and a representative of the local law  
32 enforcement agency investigating the crime shall be allowed to attend the hearing or provide  
33 information to the hearing panel in regard to the parole consideration; and

34 (6) The board shall evaluate information listed in the juvenile sex offender registry pursuant  
35 to section 211.425, provided the offender is between the ages of seventeen and twenty-one, as it  
36 impacts the safety of the community.

37 ~~[9.]~~ 11. The board shall notify any person of the results of a parole eligibility hearing if the  
38 person indicates to the board a desire to be notified.

39 ~~[10.]~~ 12. The board may, at its discretion, require any offender seeking parole to meet  
40 certain conditions during the term of that parole so long as said conditions are not illegal or  
41 impossible for the offender to perform. These conditions may include an amount of restitution to  
42 the state for the cost of that offender's incarceration.

43 ~~[11.]~~ 13. Special parole conditions shall be responsive to the assessed risk and needs of the  
44 offender or the need for extraordinary supervision, such as electronic monitoring. The board shall  
45 adopt rules to minimize the conditions placed on low-risk cases, to frontload conditions upon  
46 release, and to require the modification and reduction of conditions based on the person's continuing  
47 stability in the community. Board rules shall permit parole conditions to be modified by parole  
48 officers with review and approval by supervisors.

49 ~~[12.]~~ 14. Nothing contained in this section shall be construed to require the release of an

1 offender on parole nor to reduce the sentence of an offender heretofore committed.

2 [13.] 15. Beginning January 1, 2001, the board shall not order a parole unless the offender  
3 has obtained a high school diploma or its equivalent, or unless the board is satisfied that the  
4 offender, while committed to the custody of the department, has made an honest good-faith effort to  
5 obtain a high school diploma or its equivalent; provided that the director may waive this  
6 requirement by certifying in writing to the board that the offender has actively participated in  
7 mandatory education programs or is academically unable to obtain a high school diploma or its  
8 equivalent.

9 [14.] 16. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
10 created under the authority delegated in this section shall become effective only if it complies with  
11 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section  
12 and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
13 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
14 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
15 adopted after August 28, 2005, shall be invalid and void.

16 217.692. 1. Notwithstanding any other provision of law to the contrary, any offender  
17 incarcerated in a correctional institution serving any sentence of life with no parole for fifty years or  
18 life without parole, whose plea of guilt was entered or whose trial commenced prior to December  
19 31, 1990, and who:

- 20 (1) Pleaded guilty to or was found guilty of a homicide of a spouse or domestic partner;
- 21 (2) Has no prior violent felony convictions;
- 22 (3) No longer has a cognizable legal claim or legal recourse; and
- 23 (4) Has a history of being a victim of continual and substantial physical or sexual domestic  
24 violence that was not presented as an affirmative defense at trial or sentencing and such history can  
25 be corroborated with evidence of facts or circumstances which existed at the time of the alleged  
26 physical or sexual domestic violence of the offender, including but not limited to witness statements,  
27 hospital records, social services records, and law enforcement records;

28  
29 shall be eligible for parole after having served fifteen years of such sentence when the board  
30 determines by using the guidelines established by this section that there is a strong and reasonable  
31 probability that the person will not thereafter violate the law.

32 2. The board of probation and parole shall give a thorough review of the case history and  
33 prison record of any offender described in subsection 1 of this section. At the end of the board's  
34 review, the board shall provide the offender with a copy of a statement of reasons for its parole  
35 decision.

36 3. Any offender released under the provisions of this section shall be under the supervision  
37 of the parole board for an amount of time to be determined by the board.

38 4. The parole board shall consider, but not be limited to the following criteria when making  
39 its parole decision:

- 40 (1) Length of time served;
- 41 (2) Prison record and self-rehabilitation efforts;
- 42 (3) Whether the history of the case included corroborative material of physical, sexual,  
43 mental, or emotional abuse of the offender, including but not limited to witness statements, hospital  
44 records, social service records, and law enforcement records;
- 45 (4) If an offer of a plea bargain was made and if so, why the offender rejected or accepted  
46 the offer;
- 47 (5) Any victim information outlined in subsection [8] 10 of section 217.690 and section  
48 595.209;
- 49 (6) The offender's continued claim of innocence;

- 1 (7) The age and maturity of the offender at the time of the board's decision;
- 2 (8) The age and maturity of the offender at the time of the crime and any contributing
- 3 influence affecting the offender's judgment;
- 4 (9) The presence of a workable parole plan; and
- 5 (10) Community and family support.

6 5. Nothing in this section shall limit the review of any offender's case who is eligible for  
7 parole prior to fifteen years, nor shall it limit in any way the parole board's power to grant parole  
8 prior to fifteen years.

9 6. Nothing in this section shall limit the review of any offender's case who has applied for  
10 executive clemency, nor shall it limit in any way the governor's power to grant clemency.

11 7. It shall be the responsibility of the offender to petition the board for a hearing under this  
12 section.

13 8. A person commits the crime of perjury if he or she, with the purpose to deceive,  
14 knowingly makes a false witness statement to the board. Perjury under this section shall be a class  
15 D felony.

16 9. In cases where witness statements alleging physical or sexual domestic violence are in  
17 conflict as to whether such violence occurred or was continual and substantial in nature, the history  
18 of such alleged violence shall be established by other corroborative evidence in addition to witness  
19 statements, as provided by subsection 1 of this section. A contradictory statement of the victim  
20 shall not be deemed a conflicting statement for purposes of this section."; and

21  
22 Further amend said bill by amending the title, enacting clause, and intersectional references  
23 accordingly.