

FIRST REGULAR SESSION

HOUSE BILL NO. 707

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BARNETT, HOSMER AND RICHARDSON (Co-sponsors).

Read 1st time February 8, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1730L.011

AN ACT

To repeal section 217.690, RSMo 2000, relating to parole eligibility for certain inmates, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 217.690, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 217.690, to read as follows:

217.690. 1. When in its opinion there is reasonable probability that an offender of a correctional center can be released without detriment to the community or to himself **or herself**, the board may in its discretion release or parole such person except as otherwise prohibited by law. All paroles shall issue upon order of the board, duly adopted.

2. Before ordering the parole of any offender, the board shall have the offender appear before a hearing panel and shall conduct a personal interview with [him] **said offender**, unless waived by the offender. A parole shall be ordered only for the best interest of society, not as an award of clemency; it shall not be considered a reduction of sentence or a pardon. An offender shall be placed on parole only when the board believes that [he] **said offender** is able and willing to fulfill the obligations of a law-abiding citizen. Every offender while on parole shall remain in the legal custody of the department but shall be subject to the orders of the board.

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

4. When considering parole for an offender with consecutive sentences, the minimum

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 term for eligibility for parole shall be calculated by adding the minimum terms for parole
18 eligibility for each of the consecutive sentences[, except the minimum term for parole eligibility
19 shall not exceed the minimum term for parole eligibility for an ordinary life sentence].

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

24 6. Parole hearings shall, at a minimum, contain the following procedures:

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

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

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

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

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

37 7. 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 8. The board may, at its discretion, require any offender seeking parole to meet certain
40 conditions during the term of that parole so long as said conditions are not illegal or impossible
41 for the offender to perform. These conditions may include an amount of restitution to the state
42 for the cost of that offender's incarceration.

43 9. Nothing contained in this section shall be construed to require the release of an
44 offender on parole nor to reduce the sentence of an offender heretofore committed.

45 10. Beginning January 1, 2001, the board shall not order a parole unless the offender has
46 obtained a high school diploma or its equivalent, or unless the board is satisfied that the offender,
47 while committed to the custody of the department, has made an honest good-faith effort to obtain
48 a high school diploma or its equivalent; provided that the director may waive this requirement
49 by certifying in writing to the board that the offender has actively participated in mandatory
50 education programs or is academically unable to obtain a high school diploma or its equivalent.