

FIRST REGULAR SESSION

HOUSE BILL NO. 739

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LOWE (44) (Sponsor) QUINN, MEINERS, SKAGGS,
CHAPPELLE-NADAL AND VILLA (Co-sponsors).

Read 1st time March 9, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2034L.011

AN ACT

To amend chapter 217, RSMo, by adding thereto one new section relating to the duties of the board of probation and parole.

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 217.693, to read as follows:

217.693. 1. To encourage and assist the governor in carrying out his or her
2 constitutional responsibility, the board shall review thoroughly the case history and prison
3 record of those offenders incarcerated in a correctional institution with a sentence that
4 includes no fifty years or life with possibility of parole and the offender:

5 (1) Has no prior felony conviction;

6 (2) Has served at least fifteen years of such sentence; and

7 (3) Has exhausted all of such offender's appeals, in both state and federal court.

8 2. The board, after considerable study and review of such cases, shall prepare a
9 report to the governor with a recommendation to either grant or deny executive clemency.
10 The board shall make their report to the governor within a reasonable time. This report
11 shall also be given to each offender interviewed at the same time it is presented to the
12 Governor, thereby allowing them to assess their own progress.

13 3. Provided, however, that if a person:

14 (1) Was convicted of a homicide of a spouse or marriage partner; and

15 (2) Has no prior felony convictions; and

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.

16 **(3) Has exhausted all of such person's appeals in both state and federal court;**

17

18 **Then after serving at least fifteen years of such sentence, such person shall be eligible for**
19 **parole.**

20 **4. Any offender released pursuant to this section shall be under the supervision of**
21 **the board for an amount of time to be determined by the board.**

22 **5. Nothing in this section shall limit the review of any other offender's case who has**
23 **applied for clemency, nor shall it limit in any way the governor's power to grant clemency.**

24 **6. The board shall consider, but not be limited to the following criteria when**
25 **making its' decision:**

26 **(1) Length of time served;**

27 **(2) Prison record and self-rehabilitation efforts;**

28 **(3) Whether the history of the case included evidence of abuse of the offender,**
29 **including physical, mental, emotional or sexual;**

30 **(4) The offender's role in the perpetration of the crime and the degree of violence**
31 **exhibited;**

32 **(5) If an offer of a plea bargain was made and if so, why the offender rejected or**
33 **accepted the offer;**

34 **(6) The severity of the sentence received considering the offender's role in the**
35 **crime;**

36 **(7) The age and maturity of the offender at the time of the crime and any**
37 **contributing influence affecting the offender's judgment;**

38 **(8) Whether the offender has given substantial thought to a workable parole plan.**

39 **7. Any offender's case reviewed pursuant to this section shall be again reviewed and**
40 **a recommendation made to the governor every three years if the offender remains**
41 **incarcerated.**