

SECOND REGULAR SESSION

HOUSE BILL NO. 2140

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HUGHES.

Read 1st time March 31, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5710L.01I

AN ACT

To repeal section 217.690, RSMo, and to enact in lieu thereof one new section relating to repealing intervention fees for parolees.

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

Section A. Section 217.690, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 217.690, to read as follows: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, 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 **or her**, 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 **or she** 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 has discretionary authority to require the payment of a fee, not to exceed sixty dollars per month, from every offender placed under board supervision on probation[, parole,] or conditional release, to waive all or part of any fee, to sanction offenders for willful nonpayment of fees, and to contract with a private entity for fee collections services. All fees

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 collected shall be deposited in the inmate fund established in section 217.430. Fees collected
17 may be used to pay the costs of contracted collections services. The fees collected may otherwise
18 be used to provide community corrections and intervention services for offenders. Such services
19 include substance abuse assessment and treatment, mental health assessment and treatment,
20 electronic monitoring services, residential facilities services, employment placement services,
21 and other offender community corrections or intervention services designated by the board to
22 assist offenders to successfully complete probation, parole, or conditional release. The board
23 shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to
24 sanctioning offenders and with respect to establishing, waiving, collecting, and using fees.

25 4. The board shall adopt rules not inconsistent with law, in accordance with section
26 217.040, with respect to the eligibility of offenders for parole, the conduct of parole hearings or
27 conditions to be imposed upon paroled offenders. Whenever an order for parole is issued it shall
28 recite the conditions of such parole.

29 5. When considering parole for an offender with consecutive sentences, the minimum
30 term for eligibility for parole shall be calculated by adding the minimum terms for parole
31 eligibility for each of the consecutive sentences, except the minimum term for parole eligibility
32 shall not exceed the minimum term for parole eligibility for an ordinary life sentence.

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

37 7. Parole hearings shall, at a minimum, contain the following procedures:

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

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

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

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

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

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

53 8. The board shall notify any person of the results of a parole eligibility hearing if the
54 person indicates to the board a desire to be notified.

55 9. The board may, at its discretion, require any offender seeking parole to meet certain
56 conditions during the term of that parole so long as said conditions are not illegal or impossible
57 for the offender to perform. These conditions may include an amount of restitution to the state
58 for the cost of that offender's incarceration.

59 10. Nothing contained in this section shall be construed to require the release of an
60 offender on parole nor to reduce the sentence of an offender heretofore committed.

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

67 12. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
68 is created under the authority delegated in this section shall become effective only if it complies
69 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
70 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
71 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
72 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
73 grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be
74 invalid and void.

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