

SECOND REGULAR SESSION

HOUSE BILL NO. 1703

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LAIR (Sponsor), DIECKHAUS, ATKINS, THOMSON, BROWN (149), DEEKEN, MORRIS, PACE, WALTON GRAY, QUINN, FAITH, BROWN (50), FRANZ, SANDER, McDONALD, WELLS, FISHER (125), ROORDA, HARRIS, WRIGHT AND SCHIEFFER (Co-sponsors).

3482L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 217.692, RSMo, and to enact in lieu thereof one new section relating to eligibility for parole, with a penalty provision.

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

Section A. Section 217.692, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 217.692, to read as follows:

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

(1) Pled guilty to or was found guilty of a homicide of a spouse or domestic partner **or was found guilty of a homicide but did not actually commit the murder;**

(2) Has no prior violent felony convictions;

(3) No longer has a cognizable legal claim or legal recourse; and

(4) Has a history of being a victim of continual and substantial physical or sexual domestic violence that was not presented as an affirmative defense at trial or sentencing and such history can be corroborated with evidence of facts or circumstances which existed at the time of the alleged physical or sexual domestic violence of the offender, including but not limited to witness statements, hospital records, social services records, and law enforcement records[;], **and such abuse resulted in the defendant's inability to make good decisions and there is substantiated evidence of mental impairment** shall be eligible for parole after having served

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 [fifteen] **twenty** years of such sentence when the board determines by using the guidelines
17 established by this section that there is a strong and reasonable probability that the person will
18 not thereafter violate the law.

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

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

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

27 (1) Length of time served;

28 (2) Prison record and self-rehabilitation efforts;

29 (3) Whether the history of the case included corroborative material of physical, sexual,
30 mental, or emotional abuse of the offender, including but not limited to witness statements,
31 hospital records, social service records, and law enforcement records;

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

34 (5) Any victim information outlined in subsection 7 of section 217.690 and section
35 595.209, RSMo;

36 (6) The offender's continued claim of innocence;

37 (7) The age and maturity of the offender at the time of the board's decision;

38 (8) The age and maturity of the offender at the time of the crime and any contributing
39 influence affecting the offender's judgment;

40 (9) The presence of a workable parole plan; [and]

41 (10) **Was the offender gainfully employed or attending high school, college or**
42 **vocational technical school prior to the crime; and**

43 (11) Community and family support.

44 5. Nothing in this section shall limit the review of any offender's case who is eligible for
45 parole prior to [fifteen] **twenty** years, nor shall it limit in any way the parole board's power to
46 grant parole prior to [fifteen] **twenty** years.

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

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

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

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

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