

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

Offered By \_\_\_\_\_

1 AMEND House Bill No. 1541, Page 1, in the Title, Lines 2-3, by deleting the phrase "a pilot project  
2 for increasing children's access to incarcerated parents" and inserting in lieu thereof the words  
3 "department of corrections"; and  
4

5 Further amend said bill, Page 2, Section 217.145, Line 37, by inserting immediately after said line  
6 the following:  
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8 "217.690. 1. When in its opinion there is reasonable probability that an offender of a  
9 correctional center can be released without detriment to the community or to himself, the board may  
10 in its discretion release or parole such person except as otherwise prohibited by law. All paroles  
11 shall issue upon order of the board, duly adopted.

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

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

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

36 [5.] 4. When considering parole for an offender with consecutive sentences, the minimum

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

term for eligibility for parole shall be calculated by adding the minimum terms for parole eligibility for each of the consecutive sentences, except the minimum term for parole eligibility shall not exceed the minimum term for parole eligibility for an ordinary life sentence. [6.] 5. Any offender under a sentence for first degree murder who has been denied release on parole after a parole hearing shall not be eligible for another parole hearing until at least three years from the month of the parole denial; however, this subsection shall not prevent a release pursuant to subsection 4 of section 558.011.

[7.] 6. Parole hearings shall, at a minimum, contain the following procedures:

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

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

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

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

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

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

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

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

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

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

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

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