

SECOND REGULAR SESSION

# HOUSE BILL NO. 2090

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ELLINGTON.

6345L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

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

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*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 known as section 217.691, to read as follows:

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

**(1) Has no prior felony conviction;**

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

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

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

**3. Provided, however, that if the offender's:**

**(1) History included evidence of abuse of the offender, including physical, mental, emotional, or sexual;**

**(2) Age and maturity at the time of the crime and any contributing influence affected the offender's judgment;**

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.

18           (3) Prior convictions, if any, included no felony convictions;

19           (4) Appeals in both state and federal courts have been exhausted;

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21 Then after serving at least fifteen years of such sentence, such person shall be eligible for  
22 parole.

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

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

27           6. The board shall consider, but not be limited to, the following criteria when  
28 making its decision:

29           (1) Length of time served;

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

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

33           (4) The offender's role in the perpetration of the crime and the degree of violence  
34 exhibited;

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

37           (6) The severity of the sentence received considering the offender's role in the  
38 crime;

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

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

42           7. Any offender's case reviewed under this section shall be again reviewed and a  
43 recommendation made to the governor every three years if the offender remains  
44 incarcerated.

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

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