

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 735, Page 1, Section A, Line 5, by
2 inserting after all of said section and line the following:

3
4 "217.670. 1. The board shall adopt an official seal of which the courts shall take official
5 notice.

6 2. Decisions of the board regarding granting of paroles, extensions of a conditional release
7 date or revocations of a parole or conditional release shall be by a majority vote of the hearing panel
8 members. The hearing panel shall consist of one member of the board and two hearing officers
9 appointed by the board. A member of the board may remove the case from the jurisdiction of the
10 hearing panel and refer it to the full board for a decision. Within thirty days of entry of the decision
11 of the hearing panel to deny parole or to revoke a parole or conditional release, the offender may
12 appeal the decision of the hearing panel to the board. The board shall consider the appeal within
13 thirty days of receipt of the appeal. The decision of the board shall be by majority vote of the board
14 members and shall be final.

15 3. The orders of the board shall not be reviewable except as to compliance with the terms of
16 sections 217.650 to 217.810 or any rules promulgated pursuant to such section.

17 4. The board shall keep a record of its acts and shall notify each correctional center of its
18 decisions relating to persons who are or have been confined in such correctional center.

19 5. Notwithstanding any other provision of law, any meeting, record, or vote, of proceedings
20 involving probation, parole, or pardon, may be a closed meeting, closed record, or closed vote.

21 6. Notwithstanding any other provision of law, when the appearance or presence of an
22 offender before the board or a hearing panel is required for the purpose of deciding whether to grant
23 conditional release or parole, extend the date of conditional release, revoke parole or conditional
24 release, or for any other purpose, such appearance or presence may occur by means of a
25 videoconference at the discretion of the board. Victims having a right to attend parole hearings may
26 testify either at the site where the board is conducting the videoconference or at the institution
27 where the offender is located. The use of videoconferencing in this section shall be at the discretion
28 of the board, and shall not be utilized if [either the offender,] the victim or the victim's family
29 objects to it.

30 217.690. 1. When in its opinion there is reasonable probability that an offender of a
31 correctional center can be released without detriment to the community or to himself, the board may
32 in its discretion release or parole such person except as otherwise prohibited by law. All paroles
33 shall issue upon order of the board, duly adopted.

34 2. Before ordering the parole of any offender, the board shall have the offender appear
35 before a hearing panel and shall conduct [a personal] an interview with him, unless waived by the
36 offender. A parole shall be ordered only for the best interest of society, not as an award of

Standing Action Taken _____ Date _____

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1 clemency; it shall not be considered a reduction of sentence or a pardon. An offender shall be
2 placed on parole only when the board believes that he is able and willing to fulfill the obligations of
3 a law-abiding citizen. Every offender while on parole shall remain in the legal custody of the
4 department but shall be subject to the orders of the board.

5 3. The board has discretionary authority to require the payment of a fee, not to exceed sixty
6 dollars per month, from every offender placed under board supervision on probation, parole, or
7 conditional release, to waive all or part of any fee, to sanction offenders for willful nonpayment of
8 fees, and to contract with a private entity for fee collections services. All fees collected shall be
9 deposited in the inmate fund established in section 217.430. Fees collected may be used to pay the
10 costs of contracted collections services. The fees collected may otherwise be used to provide
11 community corrections and intervention services for offenders. Such services include substance
12 abuse assessment and treatment, mental health assessment and treatment, electronic monitoring
13 services, residential facilities services, employment placement services, and other offender
14 community corrections or intervention services designated by the board to assist offenders to
15 successfully complete probation, parole, or conditional release.

16 The board shall adopt rules not inconsistent with law, in accordance with section 217.040, with
17 respect to sanctioning offenders and with respect to establishing, waiving, collecting, and using fees.

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

22 5. When considering parole for an offender with consecutive sentences, the minimum term
23 for eligibility for parole shall be calculated by adding the minimum terms for parole eligibility for
24 each of the consecutive sentences, except the minimum term for parole eligibility shall not exceed
25 the minimum term for parole eligibility for an ordinary life sentence.

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

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

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

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

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

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

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

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

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

48 9. The board may, at its discretion, require any offender seeking parole to meet certain

1 conditions during the term of that parole so long as said conditions are not illegal or impossible for
2 the offender to perform. These conditions may include an amount of restitution to the state for the
3 cost of that offender's incarceration.

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

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

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

19
20 Further amend said bill, Page 4, Section 477.650, Line 43, by inserting after all of said section and
21 line the following:
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23 "559.600. 1. In cases where the board of probation and parole is not required under section
24 217.750 to provide probation supervision and rehabilitation services for misdemeanor offenders, the
25 circuit and associate circuit judges in a circuit may contract with one or more private entities or
26 other court-approved entity to provide such services. The court-approved entity, including private
27 or other entities, shall act as a misdemeanor probation office in that circuit and shall, pursuant to the
28 terms of the contract, supervise persons placed on probation by the judges for class A, B, C, and D
29 misdemeanor offenses, specifically including persons placed on probation for violations of section
30 577.023. Nothing in sections 559.600 to 559.615 shall be construed to prohibit the board of
31 probation and parole, or the court, from supervising misdemeanor offenders in a circuit where the
32 judges have entered into a contract with a probation entity.

33 2. In all cases, the entity providing such private probation service shall utilize the
34 department of corrections' standards and procedures with regard to drug and alcohol screening for
35 clients assigned to such entity.

36 3. In all cases, the entity providing such private probation service shall not require the
37 clients assigned to such entity to travel in excess of fifty miles in order to attend their regular parole
38 meetings.

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5 clients assigned to such entity to travel in excess of fifty miles in order to attend their regular parole
6 meetings."; and

7
8 Further amend said bill by amending the title, enacting clause, and intersectional references
9 accordingly.