

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1122, Page 2, Section 217.149, Line 24,
2 by inserting after all of said section and line the following:

3
4 "217.690. 1. All releases or paroles shall issue upon order of the board, duly adopted.

5 2. Before ordering the parole of any offender, the board shall conduct a validated risk and
6 needs assessment and evaluate the case under the rules governing parole that are promulgated by the
7 board. The board shall then have the offender appear before a hearing panel and shall conduct a
8 personal interview with him, unless waived by the offender, or if the guidelines indicate the offender
9 may be paroled without need for an interview. The guidelines and rules shall not allow for the
10 waiver of a hearing if a victim requests a hearing. The appearance or presence may occur by means
11 of a videoconference at the discretion of the board. A parole may be ordered for the best interest of
12 society when there is a reasonable probability, based on the risk assessment and indicators of release
13 readiness, that the person can be supervised under parole supervision and successfully reintegrated
14 into the community, not as an award of clemency; it shall not be considered a reduction of sentence
15 or a pardon. Every offender while on parole shall remain in the legal custody of the department but
16 shall be subject to the orders of the board.

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

31 4. The board shall adopt rules not inconsistent with law, in accordance with section 217.040,

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1 with respect to the eligibility of offenders for parole, the conduct of parole hearings or conditions to
2 be imposed upon paroled offenders. Whenever an order for parole is issued it shall recite the
3 conditions of such parole.

4 5. When considering parole for an offender with consecutive sentences, the minimum term
5 for eligibility for parole shall be calculated by adding the minimum terms for parole eligibility for
6 each of the consecutive sentences, except:

7 (1) The minimum term for parole eligibility shall not exceed the minimum term for parole
8 eligibility for an ordinary life sentence; and

9 (2) Notwithstanding any other provision of law and at the discretion of the board, the
10 minimum terms for parole eligibility of consecutive sentences may be calculated as the minimum
11 terms for parole eligibility of concurrent sentences. Before making a calculation under this
12 subdivision, either upon its own motion or upon petition by the offender, the board shall conduct a
13 hearing, give notice of such hearing to the prosecutor or circuit attorney that had jurisdiction of the
14 offender's crimes, and determine whether the sum of the minimum terms is an unreasonably
15 excessive total term. The board shall consider the crime or crimes of the offender, the sentences
16 received by other offenders similarly situated, the offender's institutional record, any rehabilitation
17 efforts by the offender, and whether the offender would successfully reintegrate into his or her
18 community.

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

23 7. A victim who has requested an opportunity to be heard shall receive notice that the board
24 is conducting an assessment of the offender's risk and readiness for release and that the victim's
25 input will be particularly helpful when it pertains to safety concerns and specific protective
26 measures that may be beneficial to the victim should the offender be granted release.

27 8. Parole hearings shall, at a minimum, contain the following procedures:

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

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

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

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

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

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

1 impacts the safety of the community.

2 9. The board shall notify any person of the results of a parole eligibility hearing if the person
3 indicates to the board a desire to be notified.

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

8 11. Special parole conditions shall be responsive to the assessed risk and needs of the
9 offender or the need for extraordinary supervision, such as electronic monitoring. The board shall
10 adopt rules to minimize the conditions placed on low-risk cases, to frontload conditions upon
11 release, and to require the modification and reduction of conditions based on the person's continuing
12 stability in the community. Board rules shall permit parole conditions to be modified by parole
13 officers with review and approval by supervisors.

14 12. Nothing contained in this section shall be construed to require the release of an offender
15 on parole nor to reduce the sentence of an offender heretofore committed.

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

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

29
30 Further amend said bill by amending the title, enacting clause, and intersectional references
31 accordingly.