

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

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 1777, 2203, 2059 & 2502, Page 3, Section  
2 211.436, Line 27, by inserting after said section and line the following:  
3

4 "217.182. The director shall annually notify each prosecuting and circuit attorney in the state of an  
5 estimate of the average cost per day to incarcerate an offender. Such estimate shall also be posted on the  
6 official department website."; and  
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8 Further amend said bill, Page 5, Section 217.443, Line 63, by inserting after said section and line the  
9 following:  
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11 "217.690. 1. All releases or paroles shall issue upon order of the parole board, duly adopted.

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

23 3. The division of probation and parole has discretionary authority to require the payment of a fee,  
24 not to exceed sixty dollars per month, from every offender placed under division supervision on probation,  
25 parole, or conditional release, to waive all or part of any fee, to sanction offenders for willful nonpayment of  
26 fees, and to contract with a private entity for fee collections services. All fees collected shall be deposited in  
27 the inmate fund established in section 217.430. Fees collected may be used to pay the costs of contracted  
28 collections services. The fees collected may otherwise be used to provide community corrections and  
29 intervention services for offenders. Such services include substance abuse assessment and treatment, mental  
30 health assessment and treatment, electronic monitoring services, residential facilities services, employment

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1 placement services, and other offender community corrections or intervention services designated by the  
2 division of probation and parole to assist offenders to successfully complete probation, parole, or conditional  
3 release. The division of probation and parole shall adopt rules not inconsistent with law, in accordance with  
4 section 217.040, with respect to sanctioning offenders and with respect to establishing, waiving, collecting,  
5 and using fees.

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

10 5. When considering parole for an offender with consecutive sentences, the minimum term for  
11 eligibility for parole shall be calculated by adding the minimum terms for parole eligibility for each of the  
12 consecutive sentences, except the minimum term for parole eligibility shall not exceed the minimum term for  
13 parole eligibility for an ordinary life sentence.

14 6. Any offender sentenced to a term of imprisonment amounting to fifteen years or more or multiple  
15 terms of imprisonment that, taken together, amount to fifteen or more years who was under eighteen years of  
16 age at the time of the commission of the offense or offenses may be eligible for parole after serving fifteen  
17 years of incarceration, regardless of whether the case is final for the purposes of appeal, and may be eligible  
18 for reconsideration hearings in accordance with regulations promulgated by the parole board.

19 7. The provisions of subsection 6 of this section shall not apply to an offender found guilty of murder  
20 in the first degree or capital murder who was under eighteen years of age when the offender committed the  
21 offense or offenses who may be found ineligible for parole or whose parole eligibility may be controlled by  
22 section 558.047 or 565.033.

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

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

30 10. 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 by one  
32 other person;

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

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

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

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

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

7 (7) The parole board estimating the expected cost to the state of the offender serving the remainder  
8 of his or her sentence.

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

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

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

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

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

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

35 217.692. 1. Notwithstanding any other provision of law to the contrary, any offender incarcerated in  
36 a correctional institution serving any sentence of life with no parole for fifty years or life without parole,  
37 whose plea of guilt was entered or whose trial commenced prior to December 31, 1990, and who:

38 (1) Pleaded guilty to or was found guilty of a homicide of a spouse or domestic partner;

39 (2) Has no prior violent felony convictions;

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

2 (4) Has a history of being a victim of continual and substantial physical or sexual domestic violence  
3 that was not presented as an affirmative defense at trial or sentencing and such history can be corroborated  
4 with evidence of facts or circumstances which existed at the time of the alleged physical or sexual domestic  
5 violence of the offender, including but not limited to witness statements, hospital records, social services  
6 records, and law enforcement records[;]

7  
8 shall be eligible for parole after having served fifteen years of such sentence when the parole board  
9 determines by using the guidelines established by this section that there is a strong and reasonable probability  
10 that the person will not thereafter violate the law.

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

14 3. Any offender released under the provisions of this section shall be under the supervision of the  
15 division of probation and parole for an amount of time to be determined by the parole board.

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

18 (1) Length of time served;

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

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

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

24 (5) Any victim information outlined in subsection 10 of section 217.690 and section 595.209;

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

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

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

29 (9) The presence of a workable parole plan; ~~and~~

30 (10) Community and family support; and

31 (11) The expected cost to the state of the offender serving the remainder of his or her sentence.

32 5. Nothing in this section shall limit the review of any offender's case who is eligible for parole prior  
33 to fifteen years, nor shall it limit in any way the parole board's power to grant parole prior to fifteen years.

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

36 7. It shall be the responsibility of the offender to petition the parole board for a hearing under this  
37 section.

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

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

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7 Further amend said bill, Page 8, Section 492.304, Line 42, by inserting after said section and line the  
8 following:

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10           "557.055. 1. If a prosecutor requests or recommends an authorized disposition under section  
11 557.011 and the request or recommendation includes a term of incarceration in a jail or prison, the prosecutor  
12 shall include the expected cost of the incarceration as part of the request or recommendation. The expected  
13 cost shall state the cost per day and the total cost if the entire sentence is served.

14           2. If an offender is likely to be incarcerated in a jail, the prosecutor shall be responsible for obtaining  
15 an estimate of the average cost per day to incarcerate an offender from the local jail. If an offender is likely  
16 to be incarcerated in a prison, the prosecutor shall rely on the department of corrections' estimate under  
17 section 217.182.

18           3. Upon sentencing, the court shall enter a finding of the expected cost of incarceration into the  
19 docket. Such finding shall be included in the docket entries that are made available on the court's public  
20 website that allows the public to access the court's automated case management system, known at the time of  
21 the enactment of this section as Case.net."; and

22  
23 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.