

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 916, Page 2, Section 208.247, Line 42, by
2 inserting after said section and line the following:

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

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

18 3. The division of probation and parole has discretionary authority to require the payment of
19 a fee, not to exceed sixty dollars per month, from every offender placed under division supervision
20 on probation, parole, or conditional release, to waive all or part of any fee, to sanction offenders for
21 willful nonpayment of fees, and to contract with a private entity for fee collections services. No
22 such fee shall be levied or accrue for the first sixty days the offender is on probation, parole, or
23 conditional release. All fees collected shall be deposited in the inmate fund established in section
24 217.430. Fees collected may be used to pay the costs of contracted collections services. The fees
25 collected may otherwise be used to provide community corrections and intervention services for
26 offenders. Such services include substance abuse assessment and treatment, mental health
27 assessment and treatment, electronic monitoring services, residential facilities services, employment
28 placement services, and other offender community corrections or intervention services designated
29 by the division of probation and parole to assist offenders to successfully complete probation,
30 parole, or conditional release. The division of probation and parole shall adopt rules not

Action Taken _____ Date _____

1 inconsistent with law, in accordance with section 217.040, with respect to sanctioning offenders and
2 with respect to establishing, waiving, collecting, and using fees.

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

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

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

17 7. The provisions of subsection 6 of this section shall not apply to an offender found guilty
18 of capital murder, murder in the first degree or murder in the second degree, when murder in the
19 second degree is committed pursuant to subdivision (1) of subsection 1 of section 565.021, who was
20 under eighteen years of age when the offender committed the offense or offenses who may be found
21 ineligible for parole or whose parole eligibility may be controlled by section 558.047 or 565.033.

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

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

4 (6) The parole board shall evaluate information listed in the juvenile sex offender registry
5 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.

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

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

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

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

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

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

35
36 Further amend said bill by amending the title, enacting clause, and intersectional references
37 accordingly.