

HB 1490 -- PAROLE HEARINGS FOR CERTAIN OFFENDERS

SPONSOR: Johnson

This bill defines the terms "adolescent", "conduct", "course of conduct", "IPO", "mental health professional", and "offender". An "adolescent" is defined as a person 18 years of age or older but under 22 years of age. An offender committed to the Department of Corrections as an adolescent can file a petition with the Parole Board for a parole hearing, and the Board will grant a hearing as long as the offender:

- (1) Was an adolescent at the time an offense was committed;
- (2) Has been sentenced to 25 or more years to the Department;
- (3) Is serving his or her first commitment with the Department;
- (4) Has not been sentenced to death; and
- (5) Has served at least 15 years of his or her sentence.

The bill requires the board to review the petition within 30 days and inform the petitioner and institutional parole officer (IPO) within 6 months if the petition is appropriately filed. The IPO will meet with the offender and provide information regarding the parole hearing. The IPO will also investigate the offender's rehabilitation efforts, as provided in the bill.

The IPO will file a written report of the investigation showing the offender's rehabilitation efforts. The IPO can make recommendations for the offender to complete unless the Board determines the offender has made a satisfactory good-faith effort to complete the recommendations.

At least 12 months before the parole hearing, the Board will provide a written notification to any victim or family of the victim, that includes the date, time, and location of the hearing, as specified in the bill. Any victim or family of the victim can request in writing not to receive further notifications about the hearing. The victim or family of the victim can submit information prior to the parole hearing and will have a right to be heard at the hearing.

The offender will be present at the parole hearing barring health problems that prevent them from attending. A psychological evaluation will be prepared by a mental health professional describing the offender's mental health score, mental maturity, and ability to make correct decisions. The board will take into

consideration the diminished culpability of the offender, any subsequent growth by the offender, increased maturity of the offender, and the offender's mental health report. The offender will have the right to make a statement at the hearing on his or her behalf.

The Board will not parole the offender if they determine there is a substantial risk that the offender will not conform to reasonable conditions of parole or the offender has shown insufficient course of conduct that would indicate the offender has been rehabilitated to be a productive member of the community.

The hearing will only be rescheduled for good cause, as specified by this bill.

Offenders granted parole under this bill will be required to attend a reentry program to assist in the transition from incarceration back into the community at least nine months before their release. However, lack of institutional space, waiting lists, or the Department's inability to provide a program will not affect the offender's release date.

The length of time an offender spends on parole before their remaining term of years is discharged will vary according to the offense for which they were sentenced, as provided in the bill. However, in no event will the offender serve a period of mandatory supervised release greater than the term imposed by the court.

If the Board denies parole after conducting a hearing, the Board will issue a written decision that states the rational basis for the denial and the decision will be provided to the offender within 30 days. An offender denied parole will be eligible for a second parole hearing three years after the written decision denying parole and a third or subsequent hearing five years after the written decision denying parole.

Nothing in this bill will be construed to delay parole or mandatory supervised release consideration for an offender who is or will be eligible for release earlier than the bill provides. Nothing in this bill will be construed to limit, substitute, or bar an offender's right to sentence relief, or any other manner of relief, obtained by the court in proceeding other than as provided in the bill.