

SECOND REGULAR SESSION

HOUSE BILL NO. 2678

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JOHNSON.

5934H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 217, RSMo, by adding thereto one new section relating to parole hearings for certain offenders.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 217, RSMo, is amended by adding thereto one new section, to be known as section 217.691, to read as follows:

217.691. 1. As used in this section, unless a different meaning is plainly required by the context, the following terms mean:

3 (1) "Adolescent", a person eighteen years of age or older but under twenty-two years of age;

5 (2) "Conduct", includes any act or omission;

6 (3) "Course of conduct", a pattern of conduct that may be tracked over a period 7 of time;

8 (4) "IPO", institutional parole officer;

9 (5) "Mental health professional", a psychologist, psychiatric nurse, or 10 psychiatric social worker;

11 (6) "Offender", a person who is eligible for a parole hearing under this section.

12 2. Notwithstanding any provision of law, an offender committed to the 13 department as an adolescent may file a petition with the board for a parole hearing, and 14 the board shall grant such hearing so long as the requirements of this section are met.

15 3. (1) The board shall grant a parole hearing to an offender who:

16 (a) Was an adolescent at the time an offense was committed;

17 (b) Has been sentenced to twenty-five or more years to the department;

EXPLANATION — Matter enclosed in bold-faced brackets [~~thus~~] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (c) Is serving his or her first commitment with the department;
19 (d) Has not been sentenced to death; and
20 (e) Has served at least fifteen years of his or her sentence.

21 (2) (a) The board shall review the petition within thirty days of receipt of the
22 petition. An offender filing a petition under this section shall meet the requirements
23 under subdivision (1) of this subsection. If the board determines that the petition is
24 appropriately filed, the board shall notify the offender in writing within six months of
25 receipt of the petition. The notice shall include a basis for the board's determination.

26 (b) If the board determines that the petition is appropriately filed, the board
27 shall notify the IPO. The IPO shall meet with the offender and provide the offender
28 with information regarding the parole hearing. The IPO shall also investigate the
29 offender's rehabilitation efforts. Such efforts shall include, but are not limited to, the
30 following:

31 a. The offender's work assignments;
32 b. The offender's rehabilitation programs;
33 c. The offender's institutional behavior; and
34 d. Whether the offender has obtained a high school diploma, general educational
35 development certificate (GED), or its equivalent.

36 (c) The IPO shall file a written report of the investigation. The report shall
37 include a course of conduct that will show the offender's rehabilitation efforts provided
38 in paragraph (b) of this subdivision. The IPO may make recommendations, and such
39 recommendations shall be completed by the offender unless the board is satisfied that
40 the offender, while committed to the custody of the department, has made a good-faith
41 effort to complete the recommendations of the IPO.

42 4. (1) No less than twelve months prior to the parole hearing, the board shall
43 provide written notification to any victim or family of the victim. The written
44 notification shall contain:

45 (a) The date, time, and location of the parole hearing;
46 (b) Information regarding the victim's or family of the victim's right to be
47 present at the parole hearing and the victim's or family of the victim's right to make an
48 oral statement and submit information in writing or by videotape, tape recording, or
49 other electronic means;
50 (c) A toll-free number to call for further information regarding the parole
51 hearing; and
52 (d) Information regarding available resources, including trauma-information
53 therapy that may be accessible to the victim or family of the victim.

54 **(2) Any victim or family of the victim who advises the board in writing that the**
55 **victim or family of the victim no longer wishes to be notified of any parole hearing shall**
56 **not receive future parole hearing notices. If the board does not have knowledge of the**
57 **current address of the victim or family of the victim, the board shall notify the**
58 **prosecuting attorney of the county or the circuit attorney of the city in which the offense**
59 **was committed and request assistance in locating the victim or family of the victim. The**
60 **victim or family of the victim may submit any information prior to or at the parole**
61 **hearing. The victim or family of the victim shall have a right to be heard at the parole**
62 **hearing.**

63 **5. (1) The offender shall be present during the parole hearing unless health**
64 **problems prevent the offender's presence. A psychological evaluation shall be prepared**
65 **by a mental health professional. The evaluation shall include:**

- 66 **(a) The offender's mental health score;**
- 67 **(b) The offender's mental maturity; and**
- 68 **(c) The offender's ability to make correct decisions.**

69 **(2) The board shall take into consideration the diminished culpability of the**
70 **offender, any subsequent growth by the offender, increased maturity of the offender, and**
71 **the offender's mental health report. At the hearing, the offender shall have the right to**
72 **make a statement on his or her behalf. The board shall not parole the offender if the**
73 **board determines that:**

74 **(a) There is a substantial risk that the offender will not conform to reasonable**
75 **conditions of parole; or**

76 **(b) The offender has shown insufficient course of conduct that would indicate**
77 **that the offender has been rehabilitated to be a productive member of the community.**

78 **(3) Only upon motion for good cause shall the date for the parole hearing be**
79 **rescheduled. No less than thirty days prior to the hearing shall the offender request that**
80 **the parole hearing be rescheduled to a later date. The board shall not accept a request**
81 **for a continuance that is less than three months or more than five years from the**
82 **original hearing date. The board, upon good cause, may refuse to grant the offender's**
83 **request for continuance. If the date for the parole hearing is rescheduled, the board**
84 **shall notify the victim or family of the victim and the offender of the exact date and time**
85 **for the new hearing. A parole hearing shall not be open to the public.**

86 **(4) Unless parole is denied under subdivision (2) of this subsection, the offender**
87 **shall be required to attend a reentry program that would assist the offender in the**
88 **transition from incarceration to being a member of the community. The offender's**
89 **attendance in the reentry program shall not occur less than nine months prior to release.**

90 The offender's release date under this section shall not be affected due to lack of
91 institutional space, waiting lists, or the department's inability to provide a program.

92 6. (1) Unless parole is denied under subdivision (2) of subsection 5 of this
93 section, an offender serving a sentence:

94 (a) For a nonviolent offense shall be released on parole after three years of
95 supervised parole;

96 (b) For a violent offense shall be released on parole after five years of supervised
97 parole; and

98 (c) Of life or life without parole shall be released on parole after ten years of
99 supervised parole,

100

101 which shall operate to discharge any remaining terms of years imposed upon the
102 offender. However, in no event shall the offender serve a period of mandatory
103 supervised release greater than the term imposed by the court.

104 (2) If the board denies parole under subdivision (2) of subsection 5 of this section
105 after conducting a hearing, the board shall issue a written decision that states the
106 rational basis for the denial. The decision shall be provided to the offender within thirty
107 days.

108 (3) An offender denied parole under subdivision (2) of subsection 5 of this
109 section shall be eligible for a:

110 (a) Second parole hearing three years after the written decision denying parole;
111 and

112 (b) Third or subsequent hearing five years after the written decision denying
113 parole.

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115 The procedure for any rehearing under this subdivision shall be governed by subsection
116 5 of this section.

117 (4) Nothing in this section shall be construed to delay parole or mandatory
118 supervised release consideration for an offender who would be otherwise eligible for
119 release earlier than this section provides. Nothing in this section shall be construed to
120 limit, substitute, or bar an offender's right to any manner of relief granted by the court
121 under any other provision of law.