

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1826

96TH GENERAL ASSEMBLY

5983H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 217.670, RSMo, and to enact in lieu thereof two new sections relating to videoconferencing of offenders.

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

Section A. Section 217.670, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 217.670 and 559.117, to read as follows:

217.670. 1. The board shall adopt an official seal of which the courts shall take official notice.

2. Decisions of the board regarding granting of paroles, extensions of a conditional release date or revocations of a parole or conditional release shall be by a majority vote of the hearing panel members. The hearing panel shall consist of one member of the board and two hearing officers appointed by the board. A member of the board may remove the case from the jurisdiction of the hearing panel and refer it to the full board for a decision. Within thirty days of entry of the decision of the hearing panel to deny parole or to revoke a parole or conditional release, the offender may appeal the decision of the hearing panel to the board. The board shall consider the appeal within thirty days of receipt of the appeal. The decision of the board shall be by majority vote of the board members and shall be final.

3. The orders of the board shall not be reviewable except as to compliance with the terms of sections 217.650 to 217.810 or any rules promulgated pursuant to such section.

4. The board shall keep a record of its acts and shall notify each correctional center of its decisions relating to persons who are or have been confined in such correctional center.

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.

16 5. Notwithstanding any other provision of law, any meeting, record, or vote, of
17 proceedings involving probation, parole, or pardon, may be a closed meeting, closed record, or
18 closed vote.

19 **6. Notwithstanding any other provision of law, when the appearance or presence**
20 **of an offender before the board or a hearing panel is required for the purpose of deciding**
21 **whether to grant conditional release or parole, extend the date of conditional release,**
22 **revoke parole or conditional release, or for any other purpose, such appearance or**
23 **presence may occur by means of a videoconference at the discretion of the board. Victims**
24 **having a right to attend parole hearings may testify either at the site where the board is**
25 **conducting the videoconference or at the institution where the offender is located. The use**
26 **of videoconferencing in this section shall be at the discretion of the board, and shall not be**
27 **utilized if either the offender, the victim or the victim's family objects to it.**

559.117. 1. The director of the department of corrections is authorized to establish,
2 **as a three-year pilot program, a mental health assessment process.**

3 **2. Only upon a motion filed by the prosecutor in a criminal case, the judge who is**
4 **hearing the criminal case in a participating county may request that an offender be placed**
5 **in the department of corrections for one hundred twenty days for a mental health**
6 **assessment and for treatment if it appears that the offender has a mental disorder or**
7 **mental illness such that the offender may qualify for probation including community**
8 **psychiatric rehabilitation (CPR) programs and such probation is appropriate and not**
9 **inconsistent with public safety. Before the judge rules upon the motion, the victim shall**
10 **be given notice of such motion and the opportunity to be heard. Upon recommendation**
11 **of the court, the department shall determine the offender's eligibility for the mental health**
12 **assessment process.**

13 **3. Following this assessment and treatment period, an assessment report shall be**
14 **sent to the sentencing court and the sentencing court may, if appropriate, release the**
15 **offender on probation. The offender shall be supervised on probation by a state probation**
16 **and parole officer, who shall work cooperatively with the department of mental health to**
17 **enroll eligible offenders in community psychiatric rehabilitation (CPR) programs.**

18 **4. Notwithstanding any other provision of law, probation shall not be granted**
19 **under this section to offenders who:**

20 **(1) Have been found guilty of, or plead guilty to, murder in the second degree under**
21 **section 565.021;**

22 **(2) Have been found guilty of, or plead guilty to, forcible rape under section**
23 **566.030;**

24 **(3) Have been found guilty of, or plead guilty to, statutory rape in the first degree**
25 **under section 566.032;**

26 **(4) Have been found guilty of, or plead guilty to, forcible sodomy under section**
27 **566.060;**

28 **(5) Have been found guilty of, or plead guilty to, statutory sodomy in the first**
29 **degree under section 566.062;**

30 **(6) Have been found guilty of, or plead guilty to, child molestation in the first**
31 **degree under section 566.067 when classified as a class A felony;**

32 **(7) Have been found to be a predatory sexual offender under section 558.018; or**

33 **(8) Have been found guilty of, or plead guilty to, any offense for which there exists**
34 **a statutory prohibition against either probation or parole.**

35 **5. At the end of the three-year pilot, the director of the department of corrections**
36 **and the director of the department of mental health shall jointly submit recommendations**
37 **to the governor and to the general assembly by December 31, 2015, on whether to expand**
38 **the process statewide.**

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