

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

Offered By

1 AMEND House Bill No. 589, Page 1, In the title, Line 3, by deleting the words, "Missouri Medicaid audit  
2 and compliance" and inserting in lieu thereof the words, "public assistance"; and

3  
4 Further amend said bill, Page 10, Section 208.152, Line 313, by inserting after all of said line the following:

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6 "217.690. 1. When in its opinion there is reasonable probability that an offender of a correctional  
7 center can be released without detriment to the community or to himself, the board may in its discretion  
8 release or parole such person except as otherwise prohibited by law. All paroles shall issue upon order of the  
9 board, duly adopted.

10 2. Before ordering the parole of any offender, the board shall have the offender appear before a  
11 hearing panel and shall conduct a personal interview with him, unless waived by the offender. A parole shall  
12 be ordered only for the best interest of society, not as an award of clemency; it shall not be considered a  
13 reduction of sentence or a pardon. An offender shall be placed on parole only when the board believes that he  
14 is able and willing to fulfill the obligations of a law-abiding citizen. Every offender while on parole shall  
15 remain in the legal custody of the department but shall be subject to the orders of the board.

16 3. The board has discretionary authority to require the payment of a fee, not to exceed sixty dollars  
17 per month, from every offender placed under board supervision on probation, parole, or conditional release, to  
18 waive all or part of any fee, to sanction offenders for willful nonpayment of fees, and to contract with a private  
19 entity for fee collections services. All fees collected shall be deposited in the inmate fund established in  
20 section 217.430. Fees collected may be used to pay the costs of contracted collections services. The fees  
21 collected may otherwise be used to provide community corrections and intervention services for offenders.  
22 Such services include substance abuse assessment and treatment, mental health assessment and treatment,  
23 electronic monitoring services, residential facilities services, employment placement services, and other  
24 offender community corrections or intervention services designated by the board to assist offenders to  
25 successfully complete probation, parole, or conditional release.  
26 The board shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to  
27 sanctioning offenders and with respect to establishing, waiving, collecting, and using fees.

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

31 5. When considering parole for an offender with consecutive sentences, the minimum term for  
32 eligibility for parole shall be calculated by adding the minimum terms for parole eligibility for each of the  
33 consecutive sentences, except the minimum term for parole eligibility shall not exceed the minimum term for  
34 parole eligibility for an ordinary life sentence.

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

38 7. Parole hearings shall, at a minimum, contain the following procedures:

39 (1) The victim or person representing the victim who attends a hearing may be accompanied by one  
40 other person;

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

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

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

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

10 (6) The board shall evaluate information listed in the juvenile sex offender registry pursuant to  
11 section 211.425, provided the offender is between the ages of seventeen and twenty-one, as it impacts the  
12 safety of the community.

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

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

19 10. Nothing contained in this section shall be construed to require the release of an offender on parole  
20 nor to reduce the sentence of an offender heretofore committed, except as provided in subsection 12 of this  
21 section.

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

28 12. Notwithstanding the provisions of this section to the contrary, the board shall order the release  
29 and parole of any offender who is incarcerated on August 28, 2015, is serving a sentence of life without  
30 parole, and has only been convicted of a marijuana offense or multiple marijuana offenses. For the purposes  
31 of this section, the term "marijuana" shall be as that term is defined under section 195.010.

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

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