

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Bill No. 681, Page 1, In the Title, Line 3, by deleting the words "probation violations" and
2 inserting in lieu thereof the words "corrections proceedings"; and

3
4 Further amend said bill and page, Section A, Line 2, by inserting after all of said section and line the
5 following:

6
7 "217.670. 1. The board shall adopt an official seal of which the courts shall take official notice.

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

16 3. The orders of the board shall not be reviewable except as to compliance with the terms of sections
17 217.650 to 217.810 or any rules promulgated pursuant to such section.

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

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

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

30 217.690. 1. When in its opinion there is reasonable probability that an offender of a correctional
31 center can be released without detriment to the community or to [himself] the offender, the board may in its
32 discretion release or parole such person except as otherwise prohibited by law. All paroles shall issue upon
33 order of the board, duly adopted.

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

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1 orders of the board.

2 3. The board has discretionary authority to require the payment of a fee, not to exceed sixty dollars
3 per month, from every offender placed under board supervision on probation, parole, or conditional release,
4 to waive all or part of any fee, to sanction offenders for willful nonpayment of fees, and to contract with a
5 private entity for fee collections services. All fees collected shall be deposited in the inmate fund established
6 in section 217.430. Fees collected may be used to pay the costs of contracted collections services. The fees
7 collected may otherwise be used to provide community corrections and intervention services for offenders.
8 Such services include substance abuse assessment and treatment, mental health assessment and treatment,
9 electronic monitoring services, residential facilities services, employment placement services, and other
10 offender community corrections or intervention services designated by the board to assist offenders to
11 successfully complete probation, parole, or conditional release.

12 The board shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to
13 sanctioning offenders and with respect to establishing, waiving, collecting, and using fees.

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

17 5. When considering parole for an offender with consecutive sentences, the minimum term for
18 eligibility for parole shall be calculated by adding the minimum terms for parole eligibility for each of the
19 consecutive sentences, except the minimum term for parole eligibility shall not exceed the minimum term for
20 parole eligibility for an ordinary life sentence.

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

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

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

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

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

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

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

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

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

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

46 10. Nothing contained in this section shall be construed to require the release of an offender on
47 parole nor to reduce the sentence of an offender heretofore committed.

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

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

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9 Further amend said bill, Page 2, Section 217.722, Line 43, by inserting after all of said section and line the
10 following:

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12 "559.600. 1. In cases where the board of probation and parole is not required under section 217.750
13 to provide probation supervision and rehabilitation services for misdemeanor offenders, the circuit and
14 associate circuit judges in a circuit may contract with one or more private entities or other court-approved
15 entity to provide such services. The court-approved entity, including private or other entities, shall act as a
16 misdemeanor probation office in that circuit and shall, pursuant to the terms of the contract, supervise
17 persons placed on probation by the judges for class A, B, C, and D misdemeanor offenses, specifically
18 including persons placed on probation for violations of section 577.023. Nothing in sections 559.600 to
19 559.615 shall be construed to prohibit the board of probation and parole, or the court, from supervising
20 misdemeanor offenders in a circuit where the judges have entered into a contract with a probation entity.

21 2. In all cases, the entity providing such private probation service shall utilize the department of
22 corrections' standards and procedures with regard to drug and alcohol screening for clients assigned to such
23 entity.

24 3. In all cases, the entity providing such private probation service shall not require the clients
25 assigned to such entity to travel in excess of fifty miles in order to attend their regular parole meetings.

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28 associate circuit judges in a circuit may contract with one or more private entities or other court-approved
29 entity to provide such services. The court-approved entity, including private or other entities, shall act as a
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32 persons placed on probation for violations of section 577.023. Nothing in sections 559.600 to 559.615 shall
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34 offenders in a circuit where the judges have entered into a contract with a probation entity.

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36 corrections' standards and procedures with regard to drug and alcohol screening for clients assigned to such
37 entity.

38 3. In all cases, the entity providing such private probation service shall not require the clients
39 assigned to such entity to travel in excess of fifty miles in order to attend their regular parole meetings."; and

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