

SECOND REGULAR SESSION

# HOUSE BILL NO. 1585

98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HILL.

4214H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 217.670 and 217.690, RSMo, and to enact in lieu thereof two new sections relating to videoconferencing for parole hearings.

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

Section A. Sections 217.670 and 217.690, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 217.670 and 217.690, to read as follows: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 of an  
20 offender before the board or a hearing panel is required for the purpose of deciding whether to  
21 grant conditional release or parole, extend the date of conditional release, revoke parole or  
22 conditional release, or for any other purpose, such appearance or presence may occur by means  
23 of a videoconference at the discretion of the board. Victims having a right to attend parole  
24 hearings may testify either at the site where the board is conducting the videoconference or at the  
25 institution where the offender is located. The use of videoconferencing in this section shall be  
26 at the discretion of the board, and shall not be utilized if [either the offender,] the victim or the  
27 victim's family objects to it.

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

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

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

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

26 4. The board shall adopt rules not inconsistent with law, in accordance with section  
27 217.040, with respect to the eligibility of offenders for parole, the conduct of parole hearings or  
28 conditions to be imposed upon paroled offenders. Whenever an order for parole is issued it shall  
29 recite the conditions of such parole.

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

34 6. Any offender under a sentence for first degree murder who has been denied release  
35 on parole after a parole hearing shall not be eligible for another parole hearing until at least three  
36 years from the month of the parole denial; however, this subsection shall not prevent a release  
37 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  
40 accompanied by one other person;

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

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

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

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

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

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

56 9. The board may, at its discretion, require any offender seeking parole to meet certain  
57 conditions during the term of that parole so long as said conditions are not illegal or impossible

58 for the offender to perform. These conditions may include an amount of restitution to the state  
59 for the cost of that offender's incarceration.

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

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

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

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