

FIRST REGULAR SESSION

SENATE BILL NO. 438

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASHINGTON.

0851S.01H

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 217, RSMo, by adding thereto one new section relating to parole eligibility.

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

Section A. Chapter 217, RSMo, is amended by adding thereto
2 one new section, to be known as section 217.697, to read as
3 follows:

217.697. 1. Notwithstanding any other provision of
2 law to the contrary, any offender who:

3 (1) Is incarcerated in a correctional facility after
4 being sentenced by a court of this state;

5 (2) Is sixty-five years of age or older; and

6 (3) Has no felony conviction for the offense of murder
7 in the first degree under section 565.020;

8 shall receive a parole hearing upon serving thirty years or
9 more of his or her sentence.

10 2. During the parole hearing required under subsection
11 1 of this section, the parole board shall determine whether
12 there is a reasonable probability the offender shall live
13 and remain at liberty without violating the law upon
14 release. If the board determines a reasonable probability
15 exists, the offender shall be eligible for release upon a
16 finding that the offender has:

17 (1) A record of good conduct while incarcerated;

18 (2) Demonstrated self-rehabilitation while
19 incarcerated;

20 (3) A workable parole plan, including community and
21 family support;

22 (4) An institutional risk factor score no higher than
23 one; and

24 (5) A mental health score of one, two, or three.

25 3. Any offender granted parole under this section
26 shall be subject to a minimum of five years of supervision
27 by the division of probation and parole upon release.

28 4. If the board does not grant parole to an offender
29 who qualifies for parole eligibility under subsection 1 of
30 this section, the offender shall be eligible for a parole
31 reconsideration hearing every two years until a presumptive
32 release date is established.

33 5. Nothing in this section shall diminish the
34 consideration of parole under any other provision of law
35 applicable to the offender or the responsibility and
36 authority of the governor to grant clemency, including
37 pardons and commutation of sentences if necessary or
38 desirable.

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