

FIRST REGULAR SESSION

# HOUSE BILL NO. 1131

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MERIDETH.

1798H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To repeal section 558.047, RSMo, and to enact in lieu thereof one new section relating to parole eligibility.

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

Section A. Section 558.047, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 558.047, to read as follows:

558.047. 1. (1) Any person sentenced to a term of imprisonment for life without eligibility for parole before August 28, 2016, who was under eighteen years of age at the time of the commission of the offense or offenses, may submit to the parole board a petition for a review of his or her sentence, regardless of whether the case is final for purposes of appeal, after serving twenty-five years of incarceration on the sentence of life without parole.

(2) Any person found guilty of murder in the first degree who was sentenced on or after August 28, 2016, to a term of life imprisonment with eligibility for parole or a term of imprisonment of not less than thirty years and not to exceed forty years, who was under eighteen years of age at the time of the commission of the offense or offenses may submit to the parole board a petition for a review of his or her sentence, regardless of whether the case is final for purposes of appeal, after serving twenty-five years of incarceration, and a subsequent petition after serving thirty-five years of incarceration.

**(3) Notwithstanding any law to the contrary, if considering parole for a person with consecutive sentences who was under eighteen years of age at the time of the commission of the offenses, the person shall be eligible for parole after serving the shorter of:**

**(a) The sum of the minimum terms for parole eligibility for each of the consecutive sentences; or**

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.

18           **(b) Twenty-five years of incarceration.**

19           2. A copy of the petition shall be served on the office of the prosecutor in the judicial  
20 circuit of original jurisdiction. The petition shall include the person's statement that he or she  
21 was under eighteen years of age at the time of the offense, is eligible to petition under this  
22 section, and requests that his or her sentence be reviewed.

23           3. If any of the information required in subsection 2 of this section is missing from the  
24 petition, or if proof of service on the prosecuting or circuit attorney is not provided, the parole  
25 board shall return the petition to the person and advise him or her that the matter cannot be  
26 considered without the missing information.

27           4. The parole board shall hold a hearing and determine if the defendant shall be granted  
28 parole. At such a hearing, the victim or victim's family members shall retain their rights under  
29 section 595.209.

30           5. In a parole review hearing under this section, the board shall consider, in addition to  
31 the factors listed in section 565.033:

32           (1) Efforts made toward rehabilitation since the offense or offenses occurred, including  
33 participation in educational, vocational, or other programs during incarceration, when available;

34           (2) The subsequent growth and increased maturity of the person since the offense or  
35 offenses occurred;

36           (3) Evidence that the person has accepted accountability for the offense or offenses,  
37 except in cases where the person has maintained his or her innocence;

38           (4) The person's institutional record during incarceration; and

39           (5) Whether the person remains the same risk to society as he or she did at the time of  
40 the initial sentencing.

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