

SECOND REGULAR SESSION

HOUSE BILL NO. 2785

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCCANN BEATTY.

6670H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 217, RSMo, by adding thereto one new section relating to lifetime parole supervision for certain offenders.

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

Section A. Chapter 217, RSMo, is amended by adding thereto one new section, to be known as section 217.694, to read as follows:

217.694. 1. Notwithstanding any provision of law, for any offender serving a sentence of life without parole, if the offender has served at least thirty years of such sentence, the board of probation and parole, in its discretion, may grant parole to such offender if the board finds that such offender has been rehabilitated and his or her release would be without detriment to the community or the offender. Any offender released under this section shall be subject to lifetime parole supervision, as provided in this section.

2. Before ordering the parole of an offender under this section, the board shall require the offender to appear before a hearing panel and comply with all applicable procedures set forth under section 217.690.

3. The board shall develop a plan that contains appropriate conditions for the person to be released on parole. The plan shall address the person's need for supervision, counseling, medication, community support services, residential services, vocational services, and alcohol and drug treatment.

4. The plan shall contain, if appropriate, the following conditions and other conditions the board deems necessary:

(1) Maintain a residence approved by the board and not change residence unless approved by the board;

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 **(2) Gain or maintain employment unless engaged in other structured activity**
19 **approved by the board;**
- 20 **(3) Obey all federal and state laws;**
- 21 **(4) Not possess a firearm or dangerous weapon;**
- 22 **(5) Not consume alcohol or use a controlled substance except as prescribed by a**
23 **treating physician and submit, upon request, to any procedure designed to test for alcohol**
24 **or controlled substance use;**
- 25 **(6) Not associate with any person who has been convicted of a felony unless**
26 **approved by the board;**
- 27 **(7) Not leave the state without permission of the board;**
- 28 **(8) Not have contact with specific persons including, but not limited to, the victim's**
29 **family, as directed by the board;**
- 30 **(9) Not possess material that is pornographic, sexually oriented, or sexually**
31 **stimulating;**
- 32 **(10) Not enter a business providing sexually stimulating or sexually oriented**
33 **entertainment;**
- 34 **(11) Submit to a polygraph, plethysmograph, or other electronic or behavioral**
35 **monitoring or assessment;**
- 36 **(12) Attend and fully participate in assessment and treatment as directed by the**
37 **board;**
- 38 **(13) Take all psychiatric medications as prescribed by a treating physician;**
- 39 **(14) Authorize the board to access and obtain copies of confidential records**
40 **pertaining to evaluation, counseling, treatment, and other such records and provide the**
41 **consent necessary for the release of any such records;**
- 42 **(15) Pay fees to the board to cover the costs of services and monitoring. The board**
43 **may adopt rules with respect to establishing, waiving, collecting, and using fees under this**
44 **subdivision;**
- 45 **(16) Report to or appear in person as directed by the board and follow all directives**
46 **of the board; and**
- 47 **(17) Comply with any registration requirement, if applicable, under sections**
48 **589.400 to 589.425.**
- 49 **5. A mandatory condition of lifetime supervision of an offender under this section**
50 **is that the offender be electronically monitored. Electronic monitoring shall be based on**
51 **a global positioning system or other technology that identifies and records the offender's**
52 **location at all times.**

53 **6. In accordance with section 217.040, the board shall adopt rules relating to**
54 **supervision and electronic monitoring of offenders under this section.**

55 **7. If any parole officer has reasonable cause to believe that a person on parole has**
56 **violated a condition of his or her parole or that the person is no longer a proper subject for**
57 **parole, such officer may issue a warrant for the person's arrest. The warrant shall direct**
58 **any peace officer to take the person into custody immediately so that the person can be**
59 **returned to a secured facility.**

60 **8. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
61 **created under the authority delegated in this section shall become effective only if it**
62 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
63 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
64 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
65 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
66 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2016,**
67 **shall be invalid and void.**

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