

FIRST REGULAR SESSION

SENATE BILL NO. 196

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR WILLIAMS.

0958S.01I

KRISTINA MARTIN, Secretary

AN ACT

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

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 217.737, to read as
3 follows:

217.737. 1. Notwithstanding any other provision of
2 the law, an offender shall be eligible for release on
3 geriatric parole upon the determination of the parole board
4 under this section. Consideration for geriatric parole
5 shall not prevent an offender from being granted any other
6 form of parole or release for which they may otherwise be
7 eligible.

8 2. An offender serving a sentence upon a conviction
9 for a felony offense who:

10 (1) Has reached the age of fifty-five years or older
11 and has served at least fifteen years of the sentence
12 imposed;

13 (2) Has reached the age of sixty years or older and
14 has served at least ten years of the sentence imposed; or

15 (3) Has reached the age of sixty-five years or older
16 and has served at least five years of the sentence imposed;

17 may petition the parole board for geriatric parole. An
18 attorney or relative of an offender may also submit a

19 petition to the parole board for geriatric parole on behalf
20 of an offender who meets the criteria under this subsection.

21 3. Within thirty days of receipt of a petition for
22 geriatric parole or at the next board meeting, whichever is
23 sooner, the parole board shall hold a hearing on the
24 matter. The offender has a right to representation by
25 counsel at the hearing and the right to present evidence.
26 Upon making their determination, the parole board shall note
27 the rationale for the decision in the written record and
28 notify the offender and the warden or the warden's designee
29 within ten days of the hearing. If denied geriatric parole,
30 an offender shall wait one year before submitting a new
31 petition.

32 4. When making their determination, the parole board
33 shall consider:

34 (1) The offender's age at the time of committing the
35 offense, and his or her age and level of maturity at the
36 time of parole appearance;

37 (2) The offender's psychological and physiological
38 condition and history;

39 (3) The offender's participation in any recommended or
40 required substance abuse or mental health treatment programs
41 while incarcerated;

42 (4) The ability of the department to provide age-
43 appropriate care and treatment to the offender while
44 incarcerated and the associated cost to the department;

45 (5) The offender's institutional behavior and
46 employment, educational, and counseling record while
47 incarcerated;

48 (6) The offender's post-release plan; and

49 (7) The risk of release to public safety after
50 consideration of the offender's age and current health
51 status.

52 5. If the board grants geriatric parole, the offender
53 shall be released by the department within forty-eight hours
54 of receipt of the board's decision unless a longer time
55 period is agreed to by the offender. At the time of
56 release, the warden or the warden's representative shall
57 ensure that the offender has each of the following in their
58 possession: a discharge medical summary, full medical
59 records, state identification, parole or postrelease
60 community supervision medications, and all property
61 belonging to the offender. After discharge, any additional
62 records shall be sent to the offender's forwarding address.

63 6. The parole term of an offender granted geriatric
64 parole shall be for the remainder of the offender's sentence
65 or not more than two years, whichever is less. The parole
66 board shall prescribe conditions of release. If an offender
67 granted geriatric parole violates a condition of parole, the
68 parole board may revoke geriatric parole.

69 7. The parole board shall establish rules, in
70 coordination with the department of corrections, to
71 implement the provisions in this section by December 1, 2023.

72 8. At least twice a year, the warden of each
73 correctional facility or their designee shall report to the
74 director of the department of corrections the number of
75 offenders within the facility who meet the criteria
76 described under subsection 2 of this section and shall
77 notify eligible offenders within their facility of the
78 opportunity and process for applying for geriatric parole.
79 At least annually, the director shall report to the general
80 assembly on the status of all offenders who meet the

81 criteria for geriatric parole as defined in this section.
82 This report shall be made publicly available in a manner
83 that does not disclose any individually identifiable
84 information for any particular offender and shall be
85 compliant in all respects with the Health Insurance
86 Portability and Accountability Act.

87 9. The parole board shall report annually to the
88 general assembly, in consultation with the department of
89 corrections, the number of applications for geriatric parole
90 it receives, the number of geriatric paroles granted; the
91 number and reasons for denial of applications for geriatric
92 parole; the number of offenders on geriatric parole who have
93 been returned to the custody of the department and the
94 reasons for their return; and the number of offenders who
95 have successfully completed geriatric parole.

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