



Rules of
Department of Corrections
Division 80—State Board of Probation and Parole
Chapter 2—Parole Consideration and
Conditional Release

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**Title 14—DEPARTMENT OF
CORRECTIONS**

**Division 80—State Board of Probation
and Parole**

**Chapter 2—Parole Consideration and
Conditional Release**

14 CSR 80-2.010 Parole Eligibility, Hearings, Reviews and Release Dates

PURPOSE: This rule sets forth factors regarding parole eligibility, the purpose and procedures for parole hearings, and the possible results.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Minimum Parole Eligibility. The following provisions apply to sentences where there is no minimum prison term established by statute requiring more time to be served.

(A) Offenders convicted of driving while intoxicated and class C and D drug and non-violent felony offenses as shown in the *Procedures Governing the Granting of Paroles and Conditional Releases*, Appendix C are eligible for parole after fifteen percent (15%) of the maximum sentence has been served, except where statute would require more time to be served.

(B) Offenders convicted of driving while intoxicated as a persistent, aggravated, or chronic offender and enhanced non-violent class C and D felony offenses under section 558.016, RSMo are eligible for parole after twenty-five percent (25%) of the maximum sentence has been served, except where statute would require more time to be served.

(C) Offenders convicted of class A and B drug and non-violent felony offenses as shown in the *Procedures Governing the Granting of Paroles and Conditional Releases*, Appendix C are eligible for parole after twenty-five percent (25%) of the maximum sentence has been served, except where statute requires more time to be served.

(D) Offenders convicted of violent offenses as shown in the *Procedures Governing the Granting of Paroles and Conditional Releases*, Appendix C, Sexual or Child Abuse (all

classes of offenses) are eligible for parole after thirty-three percent (33%) of the maximum sentence has been served, except where statute would require more time to be served.

(E) Offenders serving life or multiple concurrent or consecutive life sentences and offenders with sentences totaling forty-five (45) years or more are eligible for parole after a minimum of fifteen (15) years has been served, except where statute would require more time to be served.

(F) For offenders serving multiple life sentences or other sentences concurrent or consecutive to a life sentence the board may, due to the nature and length of the sentence, determine not to set a minimum eligibility date.

(G) The *Procedures Governing the Granting of Paroles and Conditional Releases—Appendices A–Q* (revised April 2006) is hereby incorporated by reference and made part of this rule as published by the Board of Probation and Parole, 1511 Christy Drive, Jefferson City, MO 65101. This rule does not incorporate any subsequent amendments or additions.

(2) Medical Parole.

(A) The board will consider a medical parole under the following conditions:

1. A specific recommendation to the parole board must be made by a correctional center physician responsible for the treatment, care or custody of offenders who have serious physical, mental or emotional problems; and

2. The parole board must determine that the offender will be able to obtain and receive proper care and helpful attention outside of the institution.

(B) If a medical parole is granted, the offender, as far as possible and practicable, will be required to comply with all the conditions of parole as set forth on the parole release document.

(C) An offender who has been granted a medical parole will be under the same kind and degree of field supervision as any other paroled prisoner, unless the board modifies supervision.

(D) An offender may be granted a medical parole for the specific purpose of special care or treatment. Upon recovery, or at any time, the offender may be subject to return to the Missouri Department of Corrections or any other disposition as the Board of Probation and Parole may deem appropriate.

(3) Purpose of Parole Hearings.

(A) Parole hearings allow the offenders the opportunity to—

1. Present to the hearing panel in person their own versions of the present offense and prior criminal history if any;

2. Discuss problems and needs;

3. Discuss progress made, or expected to be made, toward rehabilitation while confined;

4. Present reasons why they think they should be paroled;

5. Present plans for the future; and

6. Present and discuss any other matters that are appropriate for consideration including challenging allegations of fact that they perceive to be false.

(B) Parole hearings allow victims, judges, prosecuting attorneys, and law enforcement officials the opportunity to—

1. Present information to the hearing panel regarding the offense and its impact, with or without the offender present;

2. Offer an opinion about the offender's release.

(C) Parole hearings provide the hearing panel the opportunity to—

1. Review and discuss all available reports, pertinent case history material, and any other material they deem to be relevant. This may include medical, psychological and psychiatric reports, prior record of arrests, convictions and incarcerations, past and present patterns of behavior and confidential information;

2. Review and discuss institutional adjustment, conduct and progress as this will reflect upon the offender's attitudes and preparation to resume life in free society;

3. Evaluate the offender in regard to suitability for parole release; and

4. Determine conditions to be accomplished prior to and after release.

(4) Scheduling.

(A) Parole hearings are conducted monthly with offenders at each major institution.

(B) Within ninety (90) days of delivery to the Department of Corrections, a parole hearing will automatically be scheduled for all offenders eligible for parole under state law. The date of the hearing will be based upon a schedule established by the board which takes into account the offense, sentence length and credit for time served. The offender will receive written notice of the date of hearing approximately forty-five (45) days in advance.

(C) An offender may request that his/her parole hearing be scheduled for a later date. The board will not accept a request for a continuance of less than three (3) months or more than five (5) years.



(D) An offender who has a sentence of less than twenty-four (24) months may waive their right to a personal hearing.

(E) An offender serving a first incarceration for certain non-violent class C or D felonies with a sentence of five (5) years or less may be allowed to waive their personal hearing.

(5) Hearing Procedure.

(A) The offender will appear before the hearing panel. The hearing panel shall consist of one (1) member of the parole board and two (2) hearing officers appointed by the board.

1. Offenders may have a person of their choice at the hearing. The offender's representative may offer a statement on behalf of the offender, ask questions and provide any additional information that may be requested by the hearing panel.

2. Other inmates may not be present at the hearing.

(B) In accordance with section 595.209, RSMo the Department of Corrections, Victims Services Unit shall notify victims of identified offenses, or upon the written request of the victim of any other offense, of their right to be present at the parole hearing of the offender. Any victim or person representing the victim who attends a parole consideration hearing may provide information to the hearing panel in reference to the board's deliberation regarding parole release.

1. The victim or person representing the victim who attends a hearing may be accompanied by one (1) other person.

2. The victim or person representing the victim who attends a hearing may give testimony in the presence of the offender or to the hearing panel without the offender being present.

3. The victim or person representing the victim may call or write the parole board rather than attend the hearing.

4. The victim or person representing the victim may have a personal meeting with a board member at the board's central office in Jefferson City.

5. The victim or person representing the victim will be notified of the results of any parole hearing if they indicate a desire to be notified.

(C) The parole board, upon written request of the judge, the prosecuting attorney, or a representative of law enforcement from the jurisdiction in which the crime was committed, shall provide notice prior to the parole hearing for any offender. The judge, prosecuting attorney, a representative from law enforcement, or a combination of them, may attend the hearing and provide information to

the hearing panel in reference to the board's deliberation regarding parole release. Notification of the hearing results will be provided upon request.

(D) The hearing panel shall limit or exclude any irrelevant or repetitious statement.

(E) The interview will be recorded.

(F) The hearing shall not be open to the public and the records of all hearings shall be treated as confidential and shall not be opened to inspection by the offender concerned, the offender's representative or any other unauthorized persons (sections 217.670 and 549.500, RSMo).

(G) The inmate who waives a personal appearance before the hearing panel shall have his/her case considered by the board in absentia.

(H) An offender who is serving a concurrent Missouri sentence while confined in another state or federal correctional center is under the same rules governing the granting of parole and conditional release as an offender who is serving his/her sentence in a Missouri institution, except that a personal hearing before the board shall not be required. The board will consider these cases in absentia.

(6) Hearing Results.

(A) After the hearing, a number of different kinds of investigation reports may be requested, including field investigations, institutional investigations, medical evaluations, psychological or psychiatric evaluations, or a combination of these.

(B) A decision will be reached as soon as possible and the offender will receive a written notice as soon as the notice can be prepared and delivered.

(C) The offender may be scheduled for a reconsideration hearing.

1. The purpose of a reconsideration hearing shall be to consider the offender's case and any significant developments or changes in the offender's status that may have occurred subsequent to the previous hearing.

2. Reconsideration hearings shall be conducted every one (1) to five (5) years at the board's discretion until a release date has been established.

(D) A release date may be set, either by parole or conditional release.

1. Parole will apply to the sentence the offender is currently serving and consecutive paroles will be granted to apply to consecutive sentences.

2. The setting of a release date does not automatically entitle the offender to be released on that date. Release shall be dependent upon a finding by the board that the

offender has a continued record of good conduct and an acceptable release plan and can be released without detriment to the community.

3. All release dates are set on the assumption that the information from the offender has not been given fraudulently or withheld from the board. If evidence comes to the attention of the board that an offender has concealed or misrepresented information deemed significant, or if information which has not been considered previously comes to the attention of the board, the case may be reopened to determine whether the decision should be rescinded.

4. A pre-release review shall be held to determine whether the conditions of a release date have been satisfied, and to review any additional information that may be available to the board. Following review, the board shall take one (1) or more of the following actions—

A. Approve the release date;

B. Advance the release date based on program completion and other positive behaviors;

C. Modify special conditions or release strategies;

D. Cancel the release date and reschedule for release;

E. Cancel the release date and schedule for a reconsideration hearing.

(E) In addition to the actions specified in subsections (6)(A) through (D) above, the board may take any other action it deems appropriate.

AUTHORITY: sections 217.040 and 217.250, RSMo 2000 and sections 217.690 and 595.209, RSMo Supp. 2007. This rule was previously filed as 13 CSR 80-2.010. Original rule filed Feb. 5, 1968, effective Feb. 15, 1968. Amended: Filed Aug. 2, 1971, effective Aug. 12, 1971. Emergency amendment filed Dec. 20, 1976, effective Dec. 30, 1976, expired April 28, 1977. Amended: Filed Dec. 20, 1976, effective April 11, 1977. Amended: Filed Nov. 13, 1979, effective March 13, 1980. Emergency amendment filed May 13, 1982, effective July 1, 1982, expired Oct. 29, 1982. Amended: Filed May 13, 1982, effective Aug. 12, 1982. Emergency amendment filed Nov. 12, 1982, effective Nov. 22, 1982, expired Feb. 20, 1983. Amended: Filed Nov. 12, 1982, effective Feb. 11, 1983. Amended: Filed Feb. 9, 1983, effective June 11, 1983. Emergency amendment filed Oct. 3, 1984, effective Oct. 13, 1984, expired Feb. 10, 1985. Amended: Filed Oct. 3, 1984, effective Jan. 12, 1985. Emergency amendment filed Sept. 16, 1985, effective Sept. 26, 1985, expired Jan. 20, 1986. Amended: Filed Sept.*



16, 1985, effective Jan. 13, 1986. *Emergency amendment filed Oct. 11, 1985, effective Oct. 21, 1985, expired Feb. 18, 1986. Amended: Filed July 15, 1988, effective Nov. 1, 1988. Amended: Filed March 21, 1989, effective July 27, 1989. Emergency amendment filed Feb. 15, 1991, effective March 1, 1991, expired June 28, 1991. Amended: Filed Feb. 15, 1991, effective Aug. 30, 1991. Emergency amendment filed Oct. 29, 1991, effective Nov. 28, 1991, expired March 26, 1992. Amended: Filed Oct. 29, 1991, effective April 9, 1992. Emergency amendment filed Nov. 26, 1991, effective Dec. 6, 1991, expired April 4, 1992. Amended: Filed Nov. 26, 1991, effective April 9, 1992. Emergency amendment filed Feb. 10, 1992, effective March 26, 1992, expired May 15, 1992. Emergency amendment filed Feb. 19, 1992, effective Feb. 29, 1992, expired June 27, 1992. Emergency amendment filed May 12, 1992, effective June 26, 1992, expired July 31, 1992. Amended: Filed Feb. 19, 1992, effective Aug. 6, 1992. Rescinded and readopted: Filed Sept. 5, 2007, effective March 30, 2008.*

**Original authority: 217.040, RSMo 1982, amended 1989, 1993, 1995; 217.250, RSMo 1982, amended 1989, 1994; 217.690, RSMo 1982, amended 1986, 1987, 1989, 1992, 1995, 2002, 2005; and 595.209, RSMo 1986, amended 1992, 1993, 1994, 1996, 2003, 2005, 2007.*

14 CSR 80-2.020 Parole Policy Guidelines

PURPOSE: *This rule establishes a uniform parole policy in order to promote consistent exercise of discretion and equitable decision-making without removing individual case consideration.*

PUBLISHER'S NOTE: *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) Parole guidelines indicate the customary range of time to be served before release for various combinations of offense seriousness and offender characteristics and sentence length. Mitigating or aggravating circumstances may warrant decisions outside the guidelines.

(2) An evaluation sheet containing a salient factor score serves as an aid in determining release.

(3) The board shall review the guidelines, including the salient factor score, periodically and may revise or modify them at any time as deemed appropriate.

(4) Guidelines shall not apply under the following circumstances. The board, in its discretion, shall consider these on a case-by-case basis.

(A) Offenders serving sentences of more than thirty (30) years or under two (2) years.

(B) To any new consecutive sentence received as the result of a parole violation.

(C) To any portion of a sentence remaining after revocation of parole or conditional release.

(D) Sentences for crimes that occurred while on inmate status.

(5) The guideline matrices, salient factor score and offense classification may be found in the *Procedures Governing the Granting of Paroles and Conditional Releases—Appendices A–Q* (revised April 2006). This material is hereby incorporated by reference and made part of this rule as published by the Board of Probation and Parole, 1511 Christy Drive, Jefferson City, MO 65101. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: *section 217.690, RSMo Supp. 2007.* This rule was previously filed as 13 CSR 80-2.020. Original rule filed on Nov. 15, 1968, effective Nov. 25, 1968. Amended: Filed Aug. 2, 1971, effective Aug. 12, 1971. Emergency amendment filed Dec. 20, 1976, effective Dec. 30, 1976, expired April 28, 1977. Amended: Filed Dec. 20, 1976, effective April 11, 1977. Emergency amendment filed May 13, 1982, effective July 1, 1982, expired Oct. 29, 1982. Amended: Filed May 13, 1982, effective Aug. 12, 1982. Emergency amendment filed Oct. 3, 1984, effective Oct. 13, 1984, expired Feb. 10, 1985. Amended: Filed Oct. 3, 1984, effective Jan. 12, 1985. Emergency amendment filed Sept. 16, 1985, effective Sept. 26, 1985, expired Jan. 20, 1986. Amended: Filed Sept. 16, 1985, effective Jan. 13, 1986. Amended: Filed July 15, 1988, effective Nov. 1, 1988. Emergency amendment filed Oct. 29, 1991, effective Nov. 28, 1991, expired March 26, 1992. Amended: Filed Oct. 29, 1991, effective April 9, 1992. Emergency amendment filed Feb. 10, 1992, effective March 26, 1992, expired May 15, 1992. Rescinded and read-*

opted: Filed Sept. 5, 2007, effective March 30, 2008.

**Original authority: 217.690, RSMo 1982, amended 1986, 1987, 1989, 1992, 1995, 2002, 2005.*

14 CSR 80-2.030 Term of Supervision

PURPOSE: *This rule indicates that there are conditions of supervision and restrictions on the length of time to be served on parole.*

(1) Any offender released on parole or conditional release from the Missouri Department of Corrections prior to completion of the maximum sentence will be subject to supervision. Time served under supervision counts as time served on the sentence.

(A) Offenders who abscond from parole or conditional release supervision may not be given credit for time served while an absconder.

(B) Offenders who violate parole or conditional release and receive a new sentence to a correctional institution outside the Missouri Department of Corrections may not receive credit on their sentence for the time served under the new conviction.

(2) An offender who exhibits positive behavior under supervision and whose sentence expiration date is three and one-half (3.5) years or more after parole or conditional release may be eligible for discharge at the end of three (3) years under supervision provided that the board is satisfied that final release is not incompatible with public safety. An offender who is serving a sentence for a dangerous felony or sex offense will not be considered for final discharge until having served five (5) years under supervision except where the sentence expires earlier. Discharge from supervision is not automatic. The board will review the offender's criminal record, circumstances of the present offense, community adjustment, and other stability factors before making a final order.

AUTHORITY: *section 217.720, RSMo 2000 and sections 217.690 and 217.730, RSMo Supp. 2007.* This rule was previously filed as 13 CSR 80-2.030. Original rule filed Feb. 5, 1968, effective Feb. 15, 1968. Amended: Filed Aug. 2, 1971, effective Aug. 12, 1971. Amended: Filed Nov. 13, 1979, effective March 13, 1980. Emergency amendment filed Feb. 9, 1981, effective Feb. 19, 1981, expired June 18, 1981. Amended: Filed Feb. 9, 1981, effective May 11, 1981. Emergency amendment filed May 13, 1982, effective July 1, 1982, expired Oct. 29, 1982. Amended: Filed May 13, 1982, effective Aug. 12, 1982.*



Emergency amendment filed Oct. 3, 1984, effective Oct. 13, 1984, expired Feb. 10, 1985. Amended: Filed Oct. 3, 1984, effective Jan. 12, 1985. Emergency amendment filed Sept. 16, 1985, effective Sept. 26, 1985, expired Jan. 20, 1986. Amended: Filed Sept. 16, 1985, effective Jan. 13, 1986. Amended: Filed July 15, 1988, effective Nov. 1, 1988. Emergency amendment filed Oct. 29, 1991, effective Nov. 28, 1991, expired March 26, 1992. Amended: Filed Oct. 29, 1991, effective April 9, 1992. Emergency amendment filed Feb. 10, 1992, effective March 26, 1992, expired May 15, 1992. Rescinded and readopted: Filed Sept. 5, 2007, effective March 30, 2008.

effective Oct. 13, 1984, expired Feb. 10, 1985. Amended: Filed Oct. 3, 1984, effective Jan. 12, 1985. Emergency amendment filed Sept. 16, 1985, effective Sept. 26, 1985, expired Jan. 20, 1986. Amended: Filed Sept. 16, 1985, effective Jan. 13, 1986. Amended: Filed July 15, 1988, effective Nov. 1, 1988. Emergency amendment filed Oct. 29, 1991, effective Nov. 28, 1991, expired March 26, 1992. Amended: Filed Oct. 29, 1991, effective April 9, 1992. Emergency amendment filed Feb. 10, 1992, effective March 26, 1992, expired May 15, 1992. Rescinded: Filed Sept. 5, 2007, effective March 30, 2008.

**Original authority: 217.720, RSMo 1982, amended 1989, 1990, 1994; 217.690, RSMo 1982, amended 1986, 1987, 1989, 1992, 1995, 2002, 2005; and 217.730, RSMo 1982, amended 1989, 1997, 2003.*

14 CSR 80-2.040 Conditional Release (Rescinded March 30, 2008)

AUTHORITY: section 558.011.4(2), RSMo Supp. 1990. This rule was previously filed as 13 CSR 80-2.040. Original rule filed Nov. 13, 1979, effective March 13, 1980. Emergency amendment filed May 13, 1982, effective July 1, 1982, expired Nov. 28, 1982. Amended: Filed May 13, 1982, effective Aug. 12, 1982. Emergency amendment filed Oct. 3, 1984, effective Oct. 13, 1984, expired Feb. 10, 1985. Amended: Filed Oct. 3, 1984, effective Jan. 12, 1985. Emergency amendment filed Sept. 16, 1985, effective Sept. 26, 1985, expired Jan. 20, 1986. Amended: Filed Sept. 16, 1985, effective Jan. 13, 1986. Amended: Filed July 15, 1988, effective Nov. 1, 1988. Emergency amendment filed Oct. 29, 1991, effective Nov. 28, 1991, expired March 26, 1992. Amended: Filed Oct. 29, 1991, effective April 9, 1992. Emergency amendment filed Feb. 10, 1992, effective March 26, 1992, expired May 15, 1992. Rescinded: Filed Sept. 5, 2007, effective March 30, 2008.

14 CSR 80-2.050 Administrative Parole (Rescinded March 30, 2008)

AUTHORITY: section 217.690, RSMo Supp. 1990. Emergency rule filed Dec. 13, 1982, effective Dec. 23, 1982, expired April 22, 1983. Original rule filed Dec. 29, 1982, effective May 12, 1983. Emergency amendment filed Jan. 4, 1984, effective Jan. 14, 1984, expired April 30, 1984. Amended: Filed Jan. 4, 1984, effective April 12, 1984. Emergency amendment filed Oct. 3, 1984,