



Written Testimony of Molly Gill
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Hearing on HB 352
January 31, 2019
Special Committee on Criminal Justice

I would like to thank Chair Dogan and Vice-Chair Evans and the members of the committee for the opportunity to submit written testimony on behalf of FAMM. We support HB 352, as it makes several improvements to Missouri's medical parole process.

FAMM is a nonpartisan, nonprofit sentencing reform advocacy group founded in Washington, D.C. in 1991. FAMM's mission is to protect public safety and promote efficiency in the criminal justice system by advocating for individualized, proportional criminal sentencing laws and prison policies. We also support states' use of medical and geriatric parole or release processes for ill and elderly prisoners, who cost a great deal to incarcerate but pose little risk to public safety.

We recently studied and issued a report¹ on the medical and geriatric parole or release processes of all 50 states and the District of Columbia. Generally, we found that these processes are underutilized, often overly bureaucratic and inefficient, and frequently have excessively strict eligibility criteria that limit their ability to save states money and reunite incarcerated people with their families in a timely manner. In some cases, incarcerated people die before receiving parole or release on medical or geriatric grounds.

An efficient, effective, and humane medical or geriatric parole or release process is essential to a good corrections system because

- (1) Aging and ill prisoners are an increasing population in most state prison systems;
- (2) Age-related conditions and serious illnesses are costly for state corrections departments and taxpayers;
- (3) Elderly and incapacitated prisoners pose very little risk of reoffending once released, meaning that their continued incarceration increases costs without increasing public safety; and
- (4) Many families – who are innocent of any crime – are willing and able to care for elderly or ill incarcerated loved ones and can do so at less expense to the state and without endangering the public. Additionally, it is meaningful and important for families to be with their loved ones during the last precious weeks and months of a loved one's life.

In addition to general parole eligibility for prisoners in Missouri,² there is limited medical parole eligibility for certain prisoners who have a serious or terminal illness. Such prisoners must meet the objective criteria (death anticipated within six months, or they are of advanced age and in need of long-term nursing care, or their confinement greatly endangers or shortens life) and have

¹ FAMM, Everywhere and Nowhere: Compassionate Release in the States, <https://fammm.org/our-work/compassionate-release/everywhere-and-nowhere/>.

² See R.S. Mo. Sec. 217.690 and 14 CSR 80-2.010 (regarding parole eligibility and setting out minimum terms).



served their minimum term. Prisoners serving a sentence of death or life without possibility of parole are not eligible. There is currently no provision for elderly prisoner release in Missouri.

The proposed legislation, HB 352, would provide parole eligibility for state prisoners who have served 30 years and are

- serving a sentence of life without parole with a minimum of 50 or more years;
- 65 years old or older;
- have no prior convictions for a violent crime; and
- are not convicted sex offenders.

The legislation directs the parole board to determine if there is a reasonable probability that the prisoner will not violate the law after release. If the board makes that finding, the prisoner “shall be eligible for release” if the board finds that the prisoner has:

- a record of good conduct while incarcerated;
- demonstrated rehabilitation;
- a “workable” plan for parole including community and family support;
- an institutional risk factor of no higher than one³; and
- a mental health score no higher than two.

If the elderly prisoner is denied parole, he or she shall be eligible for reconsideration every two years until the presumptive release date.

FAMM supports HB 352 for the improvements it makes, but we encourage the legislature to extend medical parole to people serving sentences of life without parole or life without possibility of parole with a minimum of 50 years. HB 352 limits consideration for medical parole to those prisoners who are 65 or older – prisoners who are much more likely to be found amongst those serving sentences of life without parole or life without parole until 50 years have been served.

Thank you for the opportunity to submit testimony and for considering our views.

³ Based on assessment tools used by the Department of Corrections and the Parole Board.