

**Missouri Department of
Corrections**

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Governor Mike Kehoe
Capitol - Governor's Office
P.O. Box 270
Jefferson City, MO 65102

In accordance with the requirements of Executive Order 25-07 The Department of Corrections and The Missouri Parole Board formed a working group of stakeholders to conduct a comprehensive review of 14 CSR 80-2.010 to 80-2.030. The recommendations of that working group were utilized to draft proposed amendments to those rules with the goal of providing clarity transparency and accountability for the parole process.

Attached is a list of representatives who served on the working group, a summary of the proposed amendments to the rules, and draft language of the proposed rule changes. This information is being submitted requesting Governor's Office approval to begin the rulemaking process as outlined in Chapter 536, RSMo.

We feel compelled to note that while the included information related to the processes, procedures, and transparency of the parole hearing process were agreed to by members of the working group, there remains significant disagreement among the working group members about the minimum percent of sentence to be served by an incarcerated individual prior to parole eligibility. Several members of the working group felt the percent of sentence to be served prior to parole eligibility should be increased and several members felt those percentages should be decreased. Ultimately, the decision of the Parole Board with the support of the Department was to leave the percentages unchanged from current policy. It was the opinion of the board and the department that this proposed change would be outside the scope of the review ordered in Executive Order 25-07. This decision was not supported by all members of the working group.

Thank you and please let us know if there are any questions or if any additional information is needed.

A handwritten signature in blue ink, appearing to read "Trevor Foley".

Missouri Department of Corrections

A handwritten signature in blue ink, appearing to read "Tony Helfrecht".

Chairman
Missouri Parole Board

Name	Title	Entity
Tony Helfrecht	Parole Board Chairperson	Parole Board
Kent Oberkrom	Parole Board Member	Parole Board
Martin Rucker	Parole Board Member	Parole Board
Steven Mueller	Board Operations Manager	Parole Board
Charlie Baker	Parole Hearing Analyst	Parole Board
Trevor Foley	Department Director	DOC
John Mosley	Probation and Parole Division Director	DOC
Matt Briesacher	General Counsel	DOC
Brock Jacobs - Boone County	Judge	Judiciary
Will Lynch - Newton County	Prosecutor	Prosecutor
Stacey Lannert	Public Defender - District Defender	Public Defender
Matt Oller - Audrain County	Sheriff	Sheriff/LE
Roye Cole - Webster County	Sheriff	Sheriff/LE
Kim Beshear - Cole County	Victim Advocate	Victim Representative
Courtney Everett	Program Coordinator, Prison Education Program, Saint Louis University	Private Citizen, Subject Matter Expert, Former Justice Involved Individual

EO 25-07 Missouri Parole Board
CSR Division 80 Summary of Draft Changes

14 CSR 80 Chapter 1

This introductory chapter reflects only a change in name to the Missouri Parole Board, as the board has been separated from the Division of Probation and Parole.

14 CSR 80 Chapter 2

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

This chapter relates to setting of minimum eligibility, time to serve guidelines, medical parole and release. Recommended changes since the 01-29-17 publication include:

(1) Minimum Parole Eligibility

- Updates the minimum eligibilities to reflect the current March 2022 “blue book.”
- Adds language to move any DWI/BWI minimum eligibility to 33% if the statutory element of the offense includes injury or death. This change is required due to moving alcohol-related DWI/BWI injury/death offenses from other statutes into the DWI/BWI statutes.

(2) Medical Parole

- Clarifies that only cases involving life without parole and death sentences are excluded from medical parole consideration.
- Clarifies that the Division of Rehabilitative Services makes the specific recommendation for consideration. This occurs after an assessment from a contracted medical provider.
- Removes the Board’s requirement to determine that the offender will be able to receive proper care and attention outside the institution. This aligns more closely with the statutory requirements outlined in 217.250.

(4) Scheduling

- Adds a grid procedure to allow release without a parole hearing on Class C, D, and E non-violent offenses and drug offenses with sentences up to 20 years. The release date is based on the validated risk and needs assessment, and the Board reserves the right to conduct a hearing regardless of eligibility. This excludes any weapon offenses, resisting arrest, parole violators, and other offenses for which the Board determines a hearing is appropriate and mandates a parole hearing prior to release.
- Clarifies that the Board will use either the statutory minimum required time to serve or the board’s regulatory minimum established in the “Blue Book,” whichever requires more time to serve.
- Clarifies that the minimum eligibility for parole on consecutive sentences will be calculated by adding the minimum eligibility of each consecutive sentence.
- Clarifies the specific time frame for conducting the parole consideration hearing to four months prior to the minimum eligibility.

(5) Hearing Procedure

- Changes the hearing process to increase the number of delegates allowed from one to two and allows delegates to provide additional information related to rehabilitative efforts or barriers to release. This testimony may be limited at the hearing if it becomes repetitive or irrelevant.

(6) Hearing Results

- Documents the current practice in which the institutional parole officer or designee delivers the notice of the board's decision.
- Changes the reconsideration hearing schedule from 1-5 years to up to 5 years, allowing a reconsideration hearing earlier than one year if desired.
- Clarifies that any decision to release applies to the entire sentence structure, eliminating confusion in case of consecutive sentences where the board paroles from one sentence to the next.
- Changes the prerelease review to reflect the Release Readiness process and the requirement for special reports to inform the board of changes since the hearing, if no review is required.

14 CSR 80-2.020 Parole Policy Guidelines

- Removes reference to the Salient Factor and replaces it with "risk and need assessment," as outlined in statute, and adds reference to the additional Grid Release matrices.

14 CSR 80 Chapter 3

Removed the entire chapter from Missouri Parole to be assigned to the Division of Probation and Parole administrative rules. This chapter relates to the standard conditions of both probation, parole, and conditional release supervision.

14 CSR 80 Chapter 4

Chapter 4 becomes Chapter 3 with the following changes:

14 CSR 80-4.10

- Changes title from "Arrest and Detention of an Alleged Violator" to "Parole Board Response to Alleged Violations"
- Removes language related to the Division of Probation and Parole's authority to arrest and detain alleged violators, as outlined in their statutory authority, RSMo 217.720. This is to be assigned to the Division of Probation and Parole for submitting administrative rules as part of this process.
- Adds general language of how the board responds to alleged violations of conditions of parole and conditional release supervision, including possible dispositions of the violations.
- Confirms offenders in custody for alleged violations will not be processed until due process rights of the offender have been afforded on the alleged violations.

14 CSR 80-4.20

- References to the arrest and preliminary hearing process are removed, as this is the divisional process to ensure due process rights are afforded to the alleged violator in custody prior to Board review. This is a process for probation, parole, and conditional release offenders and will need to become part of the Division of Probation and Parole's administrative rules. It will include counsel screening and eligibility completed by the division on parole and conditional release offenders.

14 CSR 80-4.30 Revocation Hearing

- Changes title to “Revocation Process” for clarification and will become 14 CSR 80-3.20
- Removes language related to alleged violations of probation.
- Language is added that the board shall only consider revocation when a preponderance of evidence is found regarding new law violations or technical violations associated with community risk.
- Clarifies that if the offender refuses to sign a “request for or waiver of preliminary hearing” form, a revocation hearing will be scheduled.
- Confirms that counsel screening shall occur, and prior to the revocation hearing, the alleged violator and attorney, if applicable, will be provided evidence to be presented at the revocation hearing.
- Adds the offender’s right to present mitigating witnesses. Current rules limit testimony of the offender’s witnesses that have direct knowledge of the alleged violation. This will allow the offender to provide testimony as to why parole or conditional release should not be revoked.
- Clarifies that the alleged violator may have attorney representation. Current rules allow a representative of their choice. New rules allow for both mitigating witnesses and attorney representation.
- Removed language that indicated if less than a year was left on supervision, the likely disposition was to complete the remainder of the sentence.
- Adds language related to adding either absconding time or fugitive time for parole and conditional release offenders who abscond or willfully avoid supervision.

14 CSR 80 Chapter 5

Removed the entire chapter from Missouri Parole Board to be assigned to the Division of Probation and Parole administrative rules. This chapter relates to the collection of intervention fees for offenders on probation, parole, and conditional release supervision.

14 CSR 80 Chapter 6

Removed the entire chapter from Missouri Parole Board to be assigned to the Division of Probation and Parole administrative rules. This chapter relates to the Batterer Intervention Program for offenders on probation, parole, and conditional release supervision.