

HB 2390 -- MURDER IN THE FIRST DEGREE SENTENCING

SPONSOR: Kirkton

Murder in the first degree is a class A felony, and the punishment shall be either death or imprisonment for life without eligibility for probation or parole, or release except by act of the Governor; except that, currently, if a person commits murder in the first degree and has not reached his or her 16th birthday at the time of the commission of the crime, the punishment is mandatory life imprisonment without eligibility for probation or parole, or release except by act of the Governor. Such a sentencing scheme has been found to be unconstitutional by the United States Supreme Court.

This bill specifies that for any person 17 years of age or under at the time of the commission of the crime of murder in the first degree, 15 years after a conviction of murder in the first degree a court must review the case and experts approved by the court must make determinations whether the individual has been adequately rehabilitated while incarcerated. If the experts determine adequate rehabilitation has not occurred, the court is required to find the individual must remain incarcerated and his or her case may be reviewed again in five years. When it has been determined that adequate rehabilitation has occurred, the individual may become eligible for release.