

HCS SS#2 SCS SB 590 -- FIRST DEGREE MURDER

SPONSOR: Dixon (Cornejo)

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Civil and Criminal Proceedings by a vote of 8 to 0. Voted "Do Pass" by the Select Committee on Judiciary by a vote of 5 to 1.

Currently, offenders who were under the age of 18 at the time they committed first degree murder must be sentenced to life imprisonment without eligibility for probation, parole, or conditional release. In June 2012, the U.S. Supreme Court in Miller v. Alabama held that mandatory life sentences without parole for juvenile criminal offenders are unconstitutional. As a result, there is no punishment for first degree murder under current law in Missouri that is enforceable against those who committed murder before they turned 18.

This bill repeals the mandatory life sentence found to be unconstitutional in Miller v. Alabama. Under this bill, a person who was 16 or 17 years old at the time of the crime may be sentenced to either imprisonment for at least 50 years or life imprisonment without parole. A person who was under the age of 16 may be sentenced to imprisonment for at least 35 years or life without parole.

A person who was sentenced to life imprisonment without parole prior to June 25, 2012, is eligible for a parole hearing after serving 50 years if the person was 16 or 17 years old at the time of the offense or after serving 35 years if the person was under the age of 16 at the time of the offense.

This bill repeals obsolete provisions stating that certain trials are to proceed in a single stage.

This bill contains an emergency clause for the provisions regarding the penalty for first degree murder.

PROPOSERS: Supporters say that we do not have a viable, constitutional sentencing scheme in law for juveniles who are convicted of first degree murder. This bill would permit a sentence of life without parole and the option of a sentence of 50 years if the defendant was over the age of 16 at the time of the offense, and 35 years if they were under the age of 16 at the time of the offense. This bill would require a parole hearing for those already sentencing, to comply with Montgomery v. Alabama.

Testifying for the bill were Senator Dixon; Abate For Missouri;

March Of Dimes; and Campaign Life Missouri.

OPPONENTS: Those who oppose the bill say that this bill violates the spirit of Miller v. Alabama. Fifty years is in essence a life sentence; youth need a meaningful opportunity for parole. Opponents prefer the House version of this bill.

Testifying against the bill was Rita Linhardt, Missouri Catholic Conference.