

HCS SB 200 -- JUDICIAL PROCEEDINGS

SPONSOR: Dixon (Cornejo)

COMMITTEE ACTIONS: Voted "Do Pass with Amendments" by the Standing Committee on Civil and Criminal Proceedings by a vote of 10 to 1. Voted "Do Pass" by the Select Committee on Judiciary by a vote of 6 to 4.

Currently, an offender who is under the age of 18 at the time he or she committed first degree murder must be sentenced to life imprisonment without eligibility for probation, parole, or conditional release. In June of 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 and allows an individual who was under 18 years of age at the time of the commission of his or her offense and was sentenced to a cumulative total of more than 40 years the right to a youth offender parole hearing to determine parole eligibility, as specified in the bill, on the 30th year of their incarceration.

The bill provides that anyone who was sentenced to life without parole and was under the age of 18 at the time he or she committed the offense will have an opportunity to petition the court for a review of his or her sentence, as specified in these provisions.

The bill specifies that an individual found guilty of murder in the first degree who was under the age of 18 may only be sentenced to 25 to 40 years or life imprisonment with parole and specifies the factors the court must consider when assessing the punishment.

ARMED OFFENDER DOCKET PILOT (SECTION 478.525, RSMo)

This bill establishes the Armed Offender Docket Pilot Project in Jackson County Circuit Court. The court has the option to establish or decline to establish the docket. If established, the docket must have dedicated judges and other personnel for specified types of crimes. The circuit court may impose a \$30 surcharge for each case that it hears to defray its operating costs. The bill requires the circuit court to coordinate the sharing of court data with law enforcement and other criminal justice personal and to provide a public report on operations every year within six months of each anniversary of the creation of the docket. Information that is protected from disclosure by statute or privilege is

subject to disclosure only by court order.

The bill prohibits those who are convicted of offenses which result in the death of one or more persons from petitioning the court to reduce the term of sentence or probation imposed by the court.

PROPONENTS: Supporters say that the bill will bring Missouri into compliance with federal law. Moreover, it will give juries the legally mandated multiple options and more discretion to sentence minors to prison time.

Testifying for the bill were Senator Dixon and Matt Selby, Missouri Association of Prosecuting Attorneys.

OPPONENTS: Those who oppose the bill say that a 50 year sentence is essentially life without parole. Furthermore, the sentencing scheme for minors is not fair to them and is expensive to taxpayers. The schemes are not in keeping with religious tenants of Missourians and the bill itself is unconstitutional.

Testifying against the bill were John Bennett; Rev. Cassandra Gould, Missouri Faith Voices; Patricia Harrison, St. Louis University School of Law; Missouri Catholic Conference; Nikola Noble-Juris, The Campaign for the Fair Sentencing of Youth; Professor Sean O'Brien; Zachariah Presutti, SJ; Charles Rogers, Missouri Association of Criminal Defense Lawyers; Jeff Stark, Mid-Missouri Fellowship of Reconciliation; ACLU of Missouri; Joanne Schrader; Anthony Williams, Faith Voices Jefferson City; and Melinda Pendergraph, Missouri State Public Defender.