

SECOND REGULAR SESSION

# HOUSE BILL NO. 1739

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SMITH (163).

5545H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 558, RSMo, by adding thereto one new section relating to minimum terms of imprisonment.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 558, RSMo, is amended by adding thereto one new section, to be  
2 known as section 558.043, to read as follows:

**558.043. Notwithstanding any other provision of law, in sentencing a person  
2 convicted of an offense for which there is a minimum term of imprisonment but that did  
3 not:**

4 **(1) Include the use, attempted use, or threatened use of serious physical force by  
5 the defendant against another person or result in the serious physical injury of another  
6 person by the defendant;**

7 **(2) Involve any sexual offense by the defendant against a minor other than an  
8 offense involving sexual contact if the victim was fourteen years of age or older and the  
9 defendant was not more than four years older than the victim and the sexual contact was  
10 consensual; or**

11 **(3) Include the brandishing or discharge of a firearm by the defendant,**

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13 **the court may depart from the applicable minimum term of imprisonment if the court finds  
14 substantial and compelling reasons on the record that, giving due regard to the nature of  
15 the offense, the history and character of the defendant, and his or her chances of successful  
16 rehabilitation, imposition of the minimum term of imprisonment would result in**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **substantial injustice to the defendant or the minimum term of imprisonment is not**  
18 **necessary for the protection of the public.**

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