

HCS HB 1560 -- DEATH PENALTY FOR MINORS

SPONSOR: Cox

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Crime Prevention and Public Safety by a vote of 13 to 1.

This bill revises the definition of "dangerous felony" as it applies to the Missouri Criminal Code to include felonies of murder in the first degree.

The bill specifies that if a person has not reached his or her eighteenth birthday at the time of the commission of an offense punishable by the death penalty, he or she must be sentenced to either life imprisonment without the eligibility for probation, parole, or release except by act of the Governor or life imprisonment with eligibility for parole.

The bill repeals the provision requiring that where murder in the first degree is charged but not submitted or where the state waives the death penalty, the submission to the trier and all subsequent proceedings in the case must proceed as in all other criminal cases with a single stage trial in which guilt and punishment are submitted together.

The bill contains an emergency clause.

PROPONENTS: Supporters say that the bill meets the constitutional standard by giving an alternative sentencing option for those convicted of first degree murder when they were under the age of 18 at the time of the offense.

Testifying for the bill were Representative Cox and Missouri Association of Prosecuting Attorneys.

OPPONENTS: Opponents say that youth should be treated differently and should be afforded an opportunity to rehabilitate.

Testifying against the bill were Missouri Association of Criminal Defense Lawyers; Missouri Catholic Conference; and Mid-Missouri Fellowship of Reconciliation.