

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Bill No. 200, Page 1, In the Title, Line 6, by deleting the words "first degree
2 murder" and inserting in lieu thereof "judicial proceedings"; and
3

4 Further amend said bill and page, Section A, Line 7, by inserting immediately after said section and
5 line the following:
6

7 "217.736. 1. For purposes of this section, a "youth offender parole hearing" is a hearing by
8 the Board of Probation and Parole for the purpose of reviewing the parole suitability of any prisoner
9 convicted of an offense or offenses that were committed while the prisoner was under eighteen years
10 of age.

11 2. A person who was convicted of an offense or offenses that were committed while the
12 person was under eighteen years of age and was sentenced to a cumulative term totaling more than
13 forty years shall be eligible for release on parole by the board during his or her thirtieth year of
14 incarceration, unless previously released or entitled to an earlier parole consideration hearing
15 pursuant to other statutory provisions.

16 3. The youth offender parole hearing to consider release shall provide for a meaningful
17 opportunity to obtain release. In addition to the guidelines considered at all parole hearings, the
18 board, in reviewing a prisoner's suitability for parole at a youth offender parole hearing, shall give
19 great weight to the following specific factors unique to youth:

20 (1) The subsequent growth and increased maturity of the prisoner during incarceration;

21 (2) Efforts made toward rehabilitation during incarceration, including participation in
22 education programs or other programming during incarceration;

23 (3) Evidence of acceptance of accountability for crime;

24 (4) Past experiences of trauma or abuse;

25 (5) The nature and circumstances of the offense committed by the defendant;

26 (6) The degree of the defendant's culpability in light of his or her age and role in the offense,
27 including intellectual capacity, and mental and emotional health;

28 (7) The defendant's background, including his or her family, home, and community
29 environment;

30 (8) The effect of immaturity, impetuosity, or failure to appreciate risks and consequences on
31 the defendant's participation in the offense;

32 (9) The extent of the defendant's participation in the offense;

33 (10) The effect of familial pressure or peer pressure on the defendant's actions; and

34 (11) Whether the juvenile offender remains the same risk to society as he or she did at the
35 time of the initial sentencing.

36 4. Family members, friends, school personnel, faith leaders, and representatives from

Action Taken _____ Date _____

Action Taken _____ Date _____

community-based organizations with knowledge about the individual before the crime or his or her growth and maturity since the time of the crime may submit statements for review by the board.

5. Nothing in this section is intended to alter the rights of victims at parole hearings. The victim or the victim's family shall be notified by the board of any parole hearings. The victim or the victim's family may be heard in person at the hearing, via telephone, or by electronic means. If the victim or victim's family member chooses not to participate in the hearing, the board may consider previous statements made by the victim, victim's family during trial, the initial sentencing phase, or another board hearing.; and

Further amend said bill, Page 12, Section 556.061, Line 122, by inserting immediately after said line the following:

"558.047. 1. Any person sentenced to a term of imprisonment for life without eligibility for parole before the effective date of this section who was under eighteen years of age at the time of the commission of the offense or offenses may submit to the sentencing court of original jurisdiction a petition for a review of his or her sentence, regardless of whether the case is final for purposes of appeal.

2. A copy of the petition shall be served on the office of the prosecutor in the judicial circuit of original jurisdiction. The petition shall include the person's statement that he or she was under eighteen years of age at the time of the offense, was sentenced to a term of imprisonment for life without eligibility for parole, and requests to be resentenced in accordance with section 565.033 in the same manner as if the person had not previously been sentenced.

3. If any of the information required in subsection 2 of this section is missing from the petition, or if proof of service on the prosecuting or circuit attorney is not provided, the court shall return the petition to the person and advise him or her that the matter cannot be considered without the missing information.

4. A reply to the petition, if any, shall be filed with the court within thirty days of the date on which the prosecuting or circuit attorney was served with the petition, unless a continuance is granted for good cause.

5. The court shall hold a hearing and resentence the defendant under section 565.011. Either the defense or prosecution may move for the resentencing hearing to take place in front of a jury instead of the judge. At such a resentencing hearing, the victim or victim's family members shall retain their rights under § 557.041."; and

Further amend said bill, Pages 16-18, Section 565.033, Lines 1-47, by deleting all of said section from the bill and inserting in lieu thereof the following:

"565.033. 1. A person found guilty of murder in the first degree who was under the age of eighteen at the time of the commission of the offense shall be sentenced to a term of years not less than twenty-five years and not to exceed forty years, or life imprisonment with parole.

2. When assessing punishment in all cases in which the defendant was under the age of eighteen at the time of the commission of the offense or offenses, the judge in a jury-waived trial shall consider, or the judge shall include in instructions to the jury for it to consider, the following factors:

- (1) The nature and circumstances of the offense committed by the defendant;
- (2) The degree of the defendant's culpability in light of his or her age and role in the offense;
- (3) The defendant's age, maturity, intellectual capacity, and mental and emotional health at the time of the offense;
- (4) The defendant's background, including his or her family, home, and community

1 environment;

2 (5) The effect of immaturity, impetuosity, or failure to appreciate risks and consequences on
3 the defendant's participation in the offense;

4 (6) The extent of the defendant's participation in the offense;

5 (7) The effect of familial pressure or peer pressure on the defendant's actions;

6 (8) The nature and extent of the defendant's prior criminal history;

7 (9) The effect of characteristics attributable to the defendant's youth on the defendant's
8 judgment;

9 (10) A statement by the victim or the victim's family member as provided by § 557.041; and

10 (11) Other relevant factors not inconsistent with Miller v. Alabama."; and
11

12 Further amend said bill by amending the title, enacting clause, and intersectional references
13 accordingly.