

HCS HB 1995 -- FIRST DEGREE MURDER

SPONSOR: Cornejo

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Civil and Criminal Proceedings by a vote of 6 to 4. HCS HB 1995 Voted "Do Pass with HCS" by the Select Committee on Judiciary by a vote of 6 to 2.

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.

This bill is similar to HCS SB 200 (2015).

PROPONENTS: Supporters say that this bill is not intended to be soft on crime, instead, it is meant to bring our sentencing structure in line with the recent Supreme Court cases pertaining to the sentencing of juveniles. This bill offers an alternative for minors convicted of serious crimes that gives them some hope and an incentive to work toward rehabilitation while incarcerated. This legislation will streamline how these cases should be dispensed of going forward, which will be extremely helpful in light of the recent Supreme Court decision requiring Miller v. Alabama to be applied retroactively. Missouri currently has approximately 80 individuals who were sentenced to life without parole as juveniles.

A man who was sentenced to life without parole at the age of 14 spoke to the committee. He was released after serving 20 years. He told the committee that as a juvenile, once certified, sentenced, and placed with the general population of adults, it is extremely hard to cope and deal with the environment and circumstances of being housed with adult criminals. During his time, the witness testified that he accessed and took advantage of every program the Department of Corrections offered, but once he completed all of those programs and facing a life sentence, there

was nothing motivating him to stay positive.

Another man testified that he was 16 when he participated in the beating death of another man who had raped one of his friends; he was raised to address problems with violence and command respect through violence. He pled down to second degree murder; his sister who was not able to plead down, was sentenced for first degree murder at age 17 to life without parole; she is still serving her time. While in prison, he accessed a peer review program that really helped him change his mindset and habits. On his third attempt he was granted parole; he got out 14 years ago, put himself through college, and has had the same job for 10 years. He testified that he is proof that rehabilitation is possible for this age group. It is difficult to craft a sentencing structure that promotes justice, passes constitutional muster, and addresses the unique challenges when faced with sentencing of youth; supporters say this bill accomplishes all three.

Testifying for the bill were Representative Cornejo; Campaign For The Fair Sentencing Of Youth; Anthony Williams, Missouri Prisoner Advocacy Consulting, LLC; Billy Harris; Rachel Greathouse, Empower Missouri; Missouri State Public Defenders; Mid-Missouri Fellowship Of Reconciliation; Missouri Catholic Conference; Patricia Harrison, SLU Children & Youth Advocacy Clinic; Rev. Dr. Cassandra Gould, Missouri Faith Voices; ACLU-Missouri; Kim Webber, Missouri PTA; and the Missouri Association Of Criminal Defense Lawyers.

OPPONENTS: Those who oppose the bill say that there are only rare occasions when a juvenile should be sentenced to life without parole, however the jury is the correct fact-finder on whether that sentence is appropriate, not the legislature. These are not child killers, these are teens committing murder. The victims of these crimes receive no benefit due to the age of their killer, and neither should the accused. The prosecutors want to be sure they still have access to this penalty in those extreme, but admittedly rare cases where a life without parole penalty on a juvenile is appropriate; this bill completely removes life without parole as a sentencing option for a juvenile.

Testifying against the bill was Kevin Hillman, Missouri Association Of Prosecuting Attorneys.