

HB 2084 -- FIRST DEGREE MURDER

SPONSOR: Corlew

Currently, offenders who were under the age of 18 at the time they committed first degree murder must be sentenced to life imprisonment without eligibility for probation, parole, or conditional release. This act repeals the mandatory life sentence found to be unconstitutional in the United States Supreme Court case Miller v. Alabama. Under these provisions, a person 16 years of age or older at the time of the crime may be sentenced to either life imprisonment without parole or imprisonment for at least 40 years. A person who was under the age of 16 may be sentenced to imprisonment for at least 30 years or life without parole. Any person who was sentenced to life imprisonment without parole for a crime committed before the person turned 18 whose case is not final for purposes of appeal may, within six months of the effective date of the act, file a motion with the sentencing court for a review of the person's sentence. This act specifies that the new procedures for juvenile first degree murderers do not apply to cases that are final for purposes of appeal. The offense of murder in the first degree was added to the definition of "dangerous felony." This act contains an emergency clause for the provisions regarding the penalty for first degree murder.

This bill is similar to SB 590 (2016).