

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 113

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SMITH (163).

0728H.01P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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 known as section 558.043, to read as follows:

558.043. Notwithstanding any other provision of law, in sentencing a person convicted of an offense for which there is a statutory minimum sentence or a minimum prison term required by section 558.019 but that did not:

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

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

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

the court may depart from the applicable statutory minimum sentence or minimum prison term required by section 558.019 if the court finds substantial and compelling reasons on the record that, giving due regard to the nature of the offense, the history and character of the defendant, and his or her chances of successful rehabilitation, imposition of the statutory minimum sentence or minimum prison term required by section 558.019 would result in substantial injustice to the defendant or is not necessary for the protection of the public.

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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.