

HB 113 -- MINIMUM TERMS OF IMPRISONMENT

SPONSOR: Smith

COMMITTEE ACTION: Voted "Do Pass" by the Special Committee on Criminal Justice by a vote of 8 to 0.

The bill specifies conditions under which a court may depart from the applicable minimum term of imprisonment.

This bill is the same as HB 1739 (2018).

PROPONENTS: Supporters say that this will have a positive fiscal impact on the state by keeping offenders who make bad decisions but who aren't bad people from clogging up our prisons and having their lives negatively altered. This bill does not repeal any penalties for offenses but it does give the judge more flexibility in sentencing. This would allow judges to evaluate the specific facts of each individual case and not sentence people to terms that are longer than necessary. It would be helpful if the veterans' court could be used when appropriate. Prisons are not in the right places for minor drug offenders. Oftentimes, people who serve time in prison for minor offenses learn in prison to commit more violent offenses. Plus, it is difficult to get help for drug addiction in prison.

Testifying for the bill were Representative Smith; Americans for Prosperity; Thomas W. Mundell, Veterans of Foreign Wars-Missouri Association of Veterans Organizations; Jeffrey Mizanskey; Empower Missouri; American Civil Liberties Union; Missouri Century Foundation; National Association of Social Workers-Missouri Chapter; Missouri Catholic Conference; and Daniel Dodson, Missouri Association of Criminal Defense Lawyers.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that well-reasoned justice reform is necessary and supported. There are some legal and functional issues with this piece of legislation and the Governor's office is helping work on those issues. There is currently a lot of disparity among the many sentencing courts, and this legislation might create more of a disparity.

Testifying on the bill were Missouri Department of Corrections and Dan Patterson, Missouri Association of Prosecuting Attorneys.