

HCS HB 277 -- GERIATRIC OFFENDERS

SPONSOR: Hannegan

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Criminal Justice by a vote of 6 to 4.

The following is a summary of the House Committee Substitute for HB 277.

This bill specifies that any incarcerated offender 65 years of age or older who has no prior felony convictions of a violent nature, who is not a convicted sexual offender, who is serving a sentence of life without parole for a minimum of 50 years or more, who was sentenced under Section 565.008, RSMo, for an offense committed prior to October 1, 1984, and who was not sentenced to a term of imprisonment for the duration of his or her natural life must receive a parole hearing upon serving 30 years or more of his or her sentence.

The Parole Board must determine whether there is a reasonable probability that the offender will not violate the law upon release and therefore is eligible for release based upon a finding that the offender meets specified criteria.

The bill requires any offender granted parole under these provisions to be placed on a minimum of five years supervision by the Division of Probation and Parole.

This bill is the similar as HB 2034 (2020).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that this bill is meant to help individuals who were sentenced under the old statute where a sentence of life meant 50 years. If these individuals had committed their offenses days later, they could have been sentenced to 20 years less in prison. This does not break a contract with the jury, and this would affect probably 50-60 people. We need to ask the Parole Board if these people have value, and we think they do. This could give people an opportunity to be rehabilitated and to provide benefits to the community. This also does not grant automatic parole; this would just entitle them to a parole hearing. Aging offenders have a much lower recidivism rate than younger offenders.

Testifying for the bill were Representative Hannegan; Cheryl

Adelstein, Jewish Community Relations Council; Christine Woody, Empower Missouri; Mary Schuman; Matthew Rosene; Maureen Flynn-Hart, The Historic St. Mark Church; Michael Bobzin; Missouri Catholic Conference; Sneha Chaturvedi; American Civil Liberties Union of Missouri; Empower Missouri; and Linda Jean Schroeder.

OPPONENTS: Those who oppose the bill say that, when you meet with a victim's family, you have a conversation about what charges are going to be brought and you talk about what the options for penalties are, etc. Then the family has to deal with these cases for the rest of their lives, basically. They strike an agreement between the family and the prosecutor and trying to reach back in time to change that agreement violates that agreement. This also takes the choice the jury made away. Some jurors have talked about their decisions after the fact and talk about how they think when they give life imprisonment that's what the offender is going to get. When families read in the news and see that legislatures are planning to change the laws and give offenders a second chance, the families have to relive the experience. It would be a lot more palatable to prosecutors if the bill said that first degree murder is a disqualifier.

Testifying against the bill were Donna White; Michael W Teeter; Michelle L Barry; Vicki Henry, Women Against Registry; Benjamin J. Miller, Missouri Association of Prosecuting Attorney's; Arnie Dienoff.

OTHERS: Those testifying for informational purposes submitted written testimony online.

Testifying on the bill was Amy E. Breihan, Roderick & Solange Macarthur Justice Center.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.