

HB 412 -- TRIAL PROCEDURE

SPONSOR: Doll

Currently, in a criminal prosecution for murder in the first degree, the court must instruct the jury that, in the event it cannot reach a consensus on punishment, the court may assess punishment including death. This bill repeals that provision and provides a procedure for when a jury cannot reach a unanimous decision on punishment.

For a defendant whose punishment was assessed prior to August 28, 2023, by a judge after the jury was unable to reach a unanimous decision on punishment, the court shall resentence such defendant, after motion to the sentencing court or the circuit court of the county in which the defendant is incarcerated, to life imprisonment without eligibility for probation, parole, or release, except by act of the Governor.