



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 1176		DATE: 3/22/2023	
COMMITTEE: Judiciary			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: ALEX EATON		PHONE NUMBER: 573-616-9260	
REPRESENTING: FAMM FAMILIES AGAINST MANDATORY MINIMUMS		TITLE:	
ADDRESS: 1100 H STREET NW			
CITY: WASHINGTON		STATE: DC	ZIP: 20005
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/22/2023 12:00 AM	
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: ALEX EATON		PHONE NUMBER: 573-616-9860	
REPRESENTING: JUSTICE ACTION NETWORK		TITLE:	
ADDRESS: 444 N CAPITOL STREET			
CITY: WASHINGTON		STATE: DC	ZIP: 20001
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/22/2023 12:00 AM	
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: AVALON BETTS-GASTON		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME: ILLINOIS ALLIANCE FOR REENTRY AND JUSTICE		TITLE: DIRECTOR	
ADDRESS: 571 WEST JACKSON			
CITY: CHICAGO		STATE: IL	ZIP: 60661
EMAIL: Illinoisalliancereentryjustice@gmail.com	ATTENDANCE: Written	SUBMIT DATE: 3/17/2023 8:47 PM	

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The crack/powder disparity is rooted in racism and classism. It needs to be eliminated.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: BAHIYA HIBA SHAKUR		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: bhshakur@outlook.com	ATTENDANCE: Written	SUBMIT DATE: 3/22/2023 12:31 PM	
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.			

Hi. I'm Bahiya Shakur. In 1989 I was sentenced to 17 years, 9 months in federal prison on a crack cocaine conspiracy. Out of 6 co-defendants mine was the lessor of all the sentences. I had never been in trouble before and had no prior criminal history. After a 6-week trial I left home one morning to go to court to wait for a verdict. The verdict was guilty. I was immediately handcuffed, shackled placed in a van and taken into federal custody. I did not return home for almost 10 years. I spent time in Federal Medical Center in Lexington, KY, Marianna, FL (Behind the Wall) the only maximum-security facility that houses women, Pekin, IL minimum security prison camp and Bryant, TX, also a prison camp. In these facilities I met women from all over the world. They were from Belize, Colombia, Ghana, Sierra Leone, Uganda, Turkey, Jamaica and China. The one thing I noticed over and over again is that African Americans for the most part were the ones who had multi decade sentences. And those sentences were for crack cocaine. Most everyone else I met who were there for drugs were there for powder cocaine. A lot of them came and they went. I met a young woman the beginning of my journey who was very nervous because she was being threatened with an 18-month sentence. She was in the plane with her boyfriend who was a pilot. The plane was carrying a huge quantity of powder cocaine. She was worried about 18 months. I was worried about 18 years. I wonder how much crack that cocaine would have produced. Let me just say, I never made crack, so I have no idea! There were women I met through this journey whose children were placed in orphanages, or were molested by people who were supposed to be caring for them. One woman's 14 year daughter died and another's ended up in federal prison before the Mom was able to get out. Then there was someone whom I'll call Renee'. She was a 19-year-old who was locked up on crack conspiracy along with her boyfriend, his father and 21 others. After serving 12 years her attorney was able to free her and she received a commutation and a pardon from President Obama. She married the attorney, went to law school and is now an attorney in Atlanta, Georgia. I started out with a 17 year 9 month sentence. Davis vs USA was a case that overturned convictions for many who were wrongfully charged with using a firearm during these crack conspiracies. That case resulted in 5 year reductions in many sentences. Mine was one of them. Sometimes we get it wrong! I was also able to attend college classes during my incarceration maintaining a 4.0 GPA. I worked for Unicorn Federal Prison Industries during the majority of my time. Taught some beginner's Arabic and Religion classes. These things helped me to get another 2 year reduction in my sentence. Once back home I applied for my Real Estate license. I was denied and told to come back after my release from 5 years probation. I did go back. I've been a licensed Realtor for 21 years with a Sales / Broker license in MO and a Sales license in KS. My children went through many trials that I know of. Only they and GOD know all of it. My son Abdul was a terrific athlete. He always won lots of awards for basketball and soccer. He used to be embarrassed by me because yes, I was one of those parents. When the refs wouldn't call a foul I'd yell, "elbow him"! My son would act like he didn't know me. He fell once and broke his knee playing basketball. I wasn't there. He was out with

friends once. They ended up in the wrong neighborhood and had to fight their way out. When he came to see me for the first time in Pekin, IL. he had a little nick beside his mouth. I pointed it out and asked him what happened. All were quiet for a moment. My Mother spoke up and said that the fight had ended in gunfire. A bullet had nicked my son in the face. My sweet little baby girl was on that trip too. In the time that I'd been gone there were missed slumber parties and birthdays and school plays and school trips. She never complained. Her only question always was, "Mom when are you coming home?" The stress of our situation had my Mother's fingers gnarled and twisted. Though she hadn't mentioned it before when I saw her for the 1st time in 6 years she told me she had been diagnosed with Lupus. But she never complained to me. She saved that for the judge in my case who she peppered with letters constantly! What do children do who don't have parents like I had who could step in and care for them? What do those children do when people who are caring for them mistreat them? How do they survive? What do they grow into when there's nobody there to look after them day after day? When they have no clothes to wear? When they go through days hungry and dirty? What do they feel when they have to sleep in places where they don't feel safe??? What happens to people who decade after decade are made to feel less than? And those people have children who have children who have children??? When these laws; these policies are established, who thinks about the children? Who considers what kind of life the children left behind will experience? What will they be like in 5, 10, or even 20 years? Where will they be? Is anyone studying that data? So many people have been working so hard for so long. And my heartfelt gratitude and that of so many incarcerated and formerly incarcerated individuals goes out to Julie Stewart founder of FAMM (Families Against Mandatory Minimums) and Mr. Ring who is at the helm over there these days, Maria Goellner for the work you have been doing since 1991 to fight Mandatory Minimums and the disparities in cocaine sentencing. You were the beacon of hope when we were and some still are hopeless! Please. Pass HB1176. IT'S THE RIGHT THING TO DO.



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WITNESS NAME		
BUSINESS/ORGANIZATION:		
WITNESS NAME: DAN VIETS, J.D.		PHONE NUMBER: 573-819-2669
BUSINESS/ORGANIZATION NAME: MO ASSN OF CRIMINAL DEFENSE LAWYER'S		TITLE:
ADDRESS:		
CITY: JEFFERSON CITY		STATE: MO
		ZIP:
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/22/2023 12:00 AM
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: DARRELL L. MOORE		PHONE NUMBER: 573-751-0619	
REPRESENTING: MISSOURI ASSOCIATION OF PROSECUTING ATTORNEYS; MISSOURI OFFICE OF PROSECUTION SERVICES		TITLE: EXECUTIVE DIRECTOR	
ADDRESS: P.O. BOX 899, 200 MADISON STREET, SUITE 1060			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
EMAIL: Darrell.Moore@prosecutors.mo.gov	ATTENDANCE: In-Person	SUBMIT DATE: 3/20/2023 9:15 AM	
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The Missouri Association of Prosecuting Attorneys supports this bill.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: DARRELL LEE MOORE		PHONE NUMBER: 573-751-0619	
REPRESENTING: MISSOURI ASSOCIATION OF PROSECUTING ATTORNEYS; MISSOURI OFFICE OF PROSECUTION SERVICES		TITLE: EXECUTIVE DIRECTOR	
ADDRESS: P.O. BOX 899, 200 MADISON STREET, SUITE 1060			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65102
EMAIL: Darrell.Moore@prosecutors.mo.gov	ATTENDANCE: Written	SUBMIT DATE: 3/22/2023 1:47 PM	
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The Missouri Association of Prosecuting Attorneys supports this bill. State and local prosecutors throughout the country have supported removing the disparity between crack and powder cocaine in State laws. Prosecutors where the disparity has been removed could not identify any increase in local crime and, in turn, found that trust in the criminal justice system grew as these changes were enacted. Further, this shift in the law does not take away any tools from prosecutors as we are still able to hold bad actors accountable, while ensuring sentences remain proportional to the crime. State and local prosecutors still possess other criminal charges to ensure violent criminals are held responsible for their actions, despite the reduced penalties for crack offenses. It has become clear that ending the disparity has had no discernable impact on increasing violent crime while instead improving community and law enforcement relationships.



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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: DAWN LONG		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL: longdawn40@gmail.com	ATTENDANCE: Written	SUBMIT DATE: 3/17/2023 12:12 PM
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I support HB 1176 and ask the members of the Judiciary Committee to do the same. Missouri is one of only 8 states that treats crack cocaine more harshly than powder cocaine. There is no scientific justification for this, and changing it would make Missouri sentencing laws fairer. Please end the disparity!



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WITNESS NAME		
REGISTERED LOBBYIST:		
WITNESS NAME: EAPEN THAMPY		PHONE NUMBER: 573-673-5351
REPRESENTING: STRATEGIC PROGRESS ON BEHALF OF F.A.I.R. SOCIETY		TITLE:
ADDRESS:		
CITY:	STATE: MO	ZIP:
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/22/2023 12:00 AM
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ERMIONI GREINKE		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: greinke3@yahoo.com	ATTENDANCE: Written		SUBMIT DATE: 3/18/2023 4:30 PM
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I support HB 1176 and ask the members of the Judiciary Committee to do the same. Missouri is one of only 8 states that treats crack cocaine more harshly than powder cocaine. There is no scientific justification for this, and changing it would make Missouri sentencing laws fairer. Please end the disparity!



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: JAMES ROBNETT JR		PHONE NUMBER: 573-356-4433	
BUSINESS/ORGANIZATION NAME: MISSOURI NAACP		TITLE: MEMBER	
ADDRESS: 111 EAST HIGH			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/22/2023 12:00 AM	
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: JEFF SMITH		PHONE NUMBER: 314-323-0915	
REPRESENTING: MISSOURI APPLESEED		TITLE:	
ADDRESS: 7 THE ORCHARDS LANE			
CITY: ST LOUIS		STATE: MO	ZIP: 63132
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/22/2023 12:00 AM	
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WITNESS NAME		
BUSINESS/ORGANIZATION:		
WITNESS NAME: JEREMY CADY		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME: AMERICANS FOR PROSPERITY		TITLE: STATE DIRECTOR
ADDRESS:		
CITY: JEFFERSON CITY		STATE: MO
		ZIP: 65102
EMAIL: jcady@afphq.org	ATTENDANCE: Written	SUBMIT DATE: 3/20/2023 7:53 AM
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WITNESS NAME		
BUSINESS/ORGANIZATION:		
WITNESS NAME: JEREMY CADY		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME: AMERICANS FOR PROSPERITY		TITLE: STATE DIRECTOR
ADDRESS:		
CITY: JEFFERSON CITY	STATE: MO	ZIP: 65109
EMAIL: jcady@afphq.org	ATTENDANCE: Written	SUBMIT DATE: 3/21/2023 5:38 PM
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WITNESS NAME		
REGISTERED LOBBYIST:		
WITNESS NAME: JEREMY J LAFAVER		PHONE NUMBER: 816-654-3666
REPRESENTING: EMPOWER MISSOURI		TITLE:
ADDRESS: 612 WEST 69TH STREET		
CITY: KANSAS CITY		STATE: MO
		ZIP: 64113
EMAIL: Jeremylafaver@gmail.com	ATTENDANCE: In-Person	SUBMIT DATE: 3/20/2023 2:47 PM

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This legislation will help correct a discrepancy in criminal law that disproportionately impacts low-income individuals and people of color. It is a well-documented fact that cocaine in both of its well-known forms – crack and powder – are chemically the same. Addiction experts report that using either form has the same adverse health effects, acknowledging the method of administering (such as smoking, snorting, or injecting) is what affects the brain and the risk of addiction. There is zero scientific or pharmacological basis for treating crack and powder cocaine any differently under the law. When Missouri's disparate sentencing began in 1989, many lawmakers and members of the public believed that crack cocaine was more dangerous. Those beliefs were proven false, and through an effort to acknowledge this in Missouri's legal code, the disparity was reduced (From 75-to-1 down to 18.75-to-1). Drug use and crime have not risen in Missouri, that we are aware of. In fact, of six other states which have eliminated sentencing disparities in since 2005, the elimination of the disparity was associated with a subsequent decrease in drug crime. The effect of the ongoing, albeit reduced, sentencing disparity continues to be a large contributing factor in the disproportionate incarceration of people of color and people with lower incomes. This disparate impact adds to the examples our communities have of a two-tiered justice system – one for people who can buy their way to better outcomes (by purchasing the more expensive form of the same drug, in this case) and one for those who cannot.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: JULIE EDWARDS		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: julie.rhone@gmail.com		ATTENDANCE: Written	SUBMIT DATE: 3/17/2023 1:39 PM
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Please end the crack disparity in Missouri.



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: MARIA GOELLNER		PHONE NUMBER: 717-945-9089	
BUSINESS/ORGANIZATION NAME: FAMM		TITLE: FAMM DEPUTY DIRECTOR OF POLICY	
ADDRESS: 1903 W. 8TH ST. PMB 257			
CITY: ERIE		STATE: PA	ZIP: 16502
EMAIL: mgoellner@famm.org	ATTENDANCE: Written	SUBMIT DATE: 3/22/2023 6:29 PM	
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.			

Written Statement of Maria Goellner, Esquire Deputy Director of Policy, FAMM In Support of Missouri House Bill 1176 Missouri House Judiciary Committee March 20, 2023 (Continued to March 23, 2023) I thank the Chair, Vice-Chair, and members of the House Judiciary Committee for the opportunity to provide testimony today in support of House Bill (HB) 1176 from Representative Chad Perkins (R-District 040). This bill would eliminate the crack powder sentencing disparity under Missouri state law. FAMM is a nonpartisan, nonprofit organization that advocates sentencing policies that are individualized and fair, protect public safety, and preserve families. Our members in Missouri include people from all walks of life. Many of our families have suffered from both incarceration and crime; experiences that are not mutually exclusive. We unite currently and formerly incarcerated people, their families and loved ones, and diverse people working to improve our system of justice. Crack cocaine and powder cocaine are two forms of the same drug, and there is no scientific basis for treating them differently under the law. Despite this, Missouri is one of only 8 states that treat crack cocaine more harshly than powder cocaine. Missouri law requires the same sentences for the possession of one amount of crack cocaine and for possessing an amount of powder cocaine that is 18.75 times larger. Imposing different sentences for the same drug creates inequity that undermines public trust in the criminal justice system, which is detrimental to public safety. Missouri should eliminate the sentencing disparity between crack cocaine and powder cocaine so that all people have the opportunity to get fair sentences. 1. There is no scientific justification for treating crack and powder cocaine differently. The initial justifications for treating crack and powder cocaine differently, including the allegedly extra addictive nature of crack, have been proven false. 2. Most states treat crack and powder cocaine the same. In light of the evidence mentioned above, many states that formerly treated crack and powder cocaine differently have eliminated those disparities. Missouri has the second-largest sentencing disparity between crack and powder cocaine in the country, and is one of only eight states that continues to treat crack and powder cocaine differently. 3. Public safety is not harmed by equalizing crack and powder cocaine sentencing. Eliminating sentencing disparities between crack and powder cocaine has not led to increases in drug use or crime. In fact, the six states have that eliminated disparities since 2005 all saw subsequent decreases in drug crimes. After the federal sentencing disparity between crack and powder cocaine was reduced, recidivism rates among people who received reduced sentences for crack cocaine offenses were similar to those for people who served longer sentences. 4. The number of people who would be impacted by eliminating the disparity is small, but the benefits would be enormous. This is a prospective-only bill, but for reference, only 94 people were in Missouri prisons for cocaine offenses as of August 2022 (noting that available data does not clarify whether the case involved crack or powder cocaine).

Removing this unjust disparity will make Missouri's criminal justice system fairer and more equitable, increase public trust in the justice system, and thereby contribute to making Missourians safer.⁵

The National District Attorneys' Association (NDAA) supports eliminating the same crack powder disparity at the federal level that we seek to eliminate in Missouri. NDAA notes that the disparity between crack and powder cocaine is an "outdated practice that disproportionately harms communities of color...State and local prosecutors throughout the country have supported removing the disparity between crack and powder cocaine in State laws. During this transition period, our members could not identify any increase in local crime and, in turn, found that trust in the criminal justice grew as these changes were enacted. Further, this shift in the law did not take away any tools from prosecutors as they were still able to hold bad actors accountable, while ensuring sentences remained proportional. Similar to our Federal partners, State and local prosecutors still have other avenues to bring criminal charges to ensure violent criminals are held responsible for their actions, despite the reduced penalties for crack offenses. Important to our membership, it became clear that ending the disparity had no discernable impact on increasing violent crime while instead improving community and law enforcement relationships." Representatives, please vote "yes" on HB 1176. Thank you for considering our views. Please contact mgoellner@famm.org if you have any questions.



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WITNESS NAME		
BUSINESS/ORGANIZATION:		
WITNESS NAME: MICHELLE SMITH		PHONE NUMBER: 314-814-2910
BUSINESS/ORGANIZATION NAME: MISSOURI JUSTICE COALITION		TITLE: FOUNDER/DIRECTOR
ADDRESS: 6845 CREST AVE		
CITY: SAINT LOUIS		STATE: MO
		ZIP: 63130
EMAIL: mojusticecoalition@gmail.com	ATTENDANCE: Written	SUBMIT DATE: 3/20/2023 1:23 PM

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Good afternoon, I am Michelle Smith, Founder of Missouri Justice Coalition. I am writing in support of HB1176 as equity in sentencing structures are necessary. There is no difference in powder and crack cocaine beyond the method of preparation. The decision to harshly sentence people who were charged with cases involving crack cocaine was based on nothing beyond what demographics used, sold, or manufactured either variation of cocaine; one group experienced societal bias, which led to the differences in the sentences. It is beyond time for the laws of Missouri to cease biases based on race or socio-economic status and this is one step in that regard. Thank you.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: SHARON GEUEA JONES		PHONE NUMBER: 573-808-2156	
REPRESENTING: DREAM.ORG		TITLE:	
ADDRESS: 227 JEFFERSON			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65102
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/22/2023 12:00 AM	
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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: TEAYA WILSON		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL: teayaswilson@gmail.com	ATTENDANCE: Written	SUBMIT DATE: 3/18/2023 11:10 PM
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I strongly support this bill. It has only torn apart families intentionally due to the unfair treatment America has placed on minorities. Please right the wrong and pass this bill immediately!!!



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: VICTORIA GODFREY-ZELLER		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: vlgzeller@gmail.com		ATTENDANCE: Written	SUBMIT DATE: 3/18/2023 11:15 PM
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Missouri is one of only 8 states that treats crack cocaine more harshly than powder cocaine. There is no scientific justification for this, and changing it would make Missouri sentencing laws fairer. Please end the disparity!



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 1176		DATE: 3/22/2023
COMMITTEE: Judiciary		
TESTIFYING: <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES		
WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: ARNIE C. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL: arniedienoff@yahoo.com	ATTENDANCE: Written	SUBMIT DATE: 3/22/2023 11:59 PM
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