



MISSOURI HOUSE OF REPRESENTATIVES  
**WITNESS APPEARANCE FORM**

BILL NUMBER: <b>HB 1659</b>		DATE: <b>1/18/2024</b>	
COMMITTEE: <b>Crime Prevention and Public Safety</b>			
<b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>ALEX EATON</b>		PHONE NUMBER: <b>573-616-9860</b>	
REPRESENTING: <b>JUSTICE ACTION NETWORK</b>		TITLE:	
ADDRESS: <b>444 N. CAPITOL AVENUE</b>			
CITY: <b>WASHINGTON</b>		STATE: <b>DC</b>	ZIP: <b>20001</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>1/18/2024 12:00 AM</b>	
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			



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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>DARRELL LEE MOORE</b>		PHONE NUMBER: <b>573-751-0619</b>	
REPRESENTING: <b>MISSOURI ASSOCIATION OF PROSECUTING ATTORNEYS; MISSOURI OFFICE OF PROSECUTION SERVICES</b>		TITLE: <b>EXECUTIVE DIRECTOR</b>	
ADDRESS: <b>P.O. BOX 899, 200 MADISON STREET, SUITE 1060</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65102</b>
EMAIL: <b>Darrell.Moore@prosecutors.mo.gov</b>	ATTENDANCE: <b>In-Person</b>	SUBMIT DATE: <b>1/17/2024 4:37 PM</b>	
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We support many of the provisions in this bill as we did last year. Specifically we support the changes in 211.071; 217.690.7; 547.031; 558.016.1(3); 565.258; 571.015; 571.031; 575.010(7); 575.353; 579.021; 579.022; 579.065; 579.068; and 600.042.1(9) and 600.042.6.



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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>DAVID OVERFELT</b>		PHONE NUMBER: <b>573-230-6006</b>	
REPRESENTING: <b>MISSOURI RETAILERS ASSOCIATION, MISSOURI GROCERS ASSOCIATION</b>		TITLE:	
ADDRESS: <b>PO BOX 1336</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65102</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>1/18/2024 12:00 AM</b>	
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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>KARA CORCHES</b>		PHONE NUMBER: <b>573-634-3511</b>	
REPRESENTING: <b>MO CHAMBER OF COMMERCE &amp; INDUSTRY</b>		TITLE:	
ADDRESS: <b>420 EAST CAPITOL AVENUE</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65101</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>1/18/2024 12:00 AM</b>	
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<b>WITNESS NAME</b>			
<b>BUSINESS/ORGANIZATION:</b>			
WITNESS NAME: <b>MALLORY RUSCH</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME: <b>EMPOWER MISSOURI</b>		TITLE: <b>EXECUTIVE DIRECTOR</b>	
ADDRESS: <b>PO BOX 104900</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65110</b>
EMAIL: <b>mallory@empowermissouri.org</b>	ATTENDANCE: <b>Written</b>		SUBMIT DATE: <b>1/18/2024 11:47 AM</b>
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			

Date: January 18, 2024 To: Chairman Roberts and Members, House Crime Prevention & Public Safety Committee From: Mallory Rusch, Executive Director, Empower Missouri RE: HB 1659 As the largest and oldest anti-poverty non-profit in our state, Empower Missouri is committed to improving the quality of life for all Missouri residents through advocacy. Since our inception, Empower Missouri has focused on the criminal justice system and its impacts. Our Community Justice Coalition consists of community advocates and organizations from across the state who work with those who have been impacted by the criminal justice system. Many coalition members are formerly incarcerated or have currently incarcerated loved ones, and all are connected by a vision for a future without mass incarceration.

HB 1659 is a comprehensive criminal justice bill that addresses public safety in Missouri on various fronts. Increasing public safety is a top priority for many across our state, and HB 1659 offers many innovative solutions that we fully support. I want to briefly comment in support on three sections of this bill as well as provide one flag for concern. Section 211.071 Missouri law allows for children as young as 12 years old who are suspected of having committed a crime that is categorized as a felony offense to be tried as an adult at the discretion of the court and has no age floor for children suspected of dangerous felonies. We fully support creating a floor for dangerous felonies and are supportive of raising the age for all felonies to 16 or 18, although 14, as laid out in this bill, is an important start to the process. The general standard for being considered an adult in the United States is 18 years old. When you turn eighteen, you can begin voting in federal, state, and local elections. You are able to legally enter into contracts and other written agreements. You can be conscripted into military service, if we were ever to reenact the draft. You can begin to make your own medical decisions. Before you are 18, an adult— a parent, other relative, or court-appointed guardian— has legal custody and decision-making authority over you. Given all of that, logic would dictate that children under the age of 18 who break the law should be handled by the juvenile justice system— a court and detention program designed specifically for minors with a strong focus on rehabilitation. These programs are designed to provide wrap-around support for children and families who are often undergoing very difficult circumstances; these interventions seek to ensure that minors don't end up trapped in a lifetime of encounters with the criminal legal system. As a society, we have determined that children younger than 18 do not have the cognitive capacity to make their own decisions. This is why those under 18 are required to be under the legal supervision of an adult unless they have been specifically adjudicated to function as an adult by becoming an emancipated minor. There is a mountain of scientific evidence that says that human brains are not fully developed until the age of 25. Adolescents are more easily influenced by external factors than their adult counterparts, and their brains are still building the capacity for judgment, impulse control and long-term planning. If a child commits an offense classified as a felony by the state, we should assume that at least one of the

following three things is true: 1) The child has been subjected to extraordinary circumstances that have resulted in a terrible tragedy. 2) The child has been the victim of abuse or neglect. 3) The child has been or should be diagnosed with a serious mental illness. In any of these situations, it is cruel and unusual to punish the child the same way that they would punish an adult. We must cherish and protect all of our children in Missouri. This includes protecting children who are victims of terrible circumstances. Sections 307.018 & 556.021 We strongly support the provision to cease the practice of issuing arrest warrants for individuals who fail to respond, pay the associated fines or appear in courts for traffic violations and other infractions. There are far better uses of time for our law enforcement officers and our courts, and we appreciate Representative Roberts' innovative approach to this issue. Many individuals who fail to respond or are struggling to pay fines levied against them simply do not have the financial means to make the payments. We applaud the alternative methods proposed, including allowing judges to waive fines for indigent defendants or offering community service in lieu of payment. Sections 579.065 & 579.068 It is a well-documented fact that cocaine in both of its well-known forms – crack and powder – are chemically the same. 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). The only significant difference in crack and powder cocaine is found in the economic status of its typical users. Individuals who use crack need addiction recovery support, not harsher prison sentences. Empower Missouri urges this committee to finish the job and eliminate the sentencing disparity fully under Missouri law in 2024. Section 217.690 Empower Missouri opposes the changes to this section of law for three key reasons. First, Supreme Court legal precedent counsels against the extreme sentencing of youth, given a number of factors that I will expound on briefly below. Second, current law simply affords these individuals sentenced as children the right to a hearing from the parole board. The parole board can simply deny parole to individuals who are still deemed a danger to society. Third, denying parole to children currently serving long sentences for second degree murder would cost the state approximately \$4 million. In a line of precedent beginning with *Roper v. Simmons*—a case originating here in Missouri—the United States Supreme Court has cautioned against the extreme sentencing of youth, noting the developmental, environmental, and social characteristics of youth, each of which is transient and counsels against sentencing them to die in prison. In those cases (*Roper v. Simmons*, *Graham v. Florida*, *Miller v. Alabama*, *Montgomery v. Louisiana*), the Court noted three significant ways in which youth are categorically different than adults: 1) they have a “lack of maturity and an underdeveloped sense of responsibility” as compared to adults that “often result in impetuous and ill-considered actions and decisions”; 2) they are “more vulnerable or susceptible to negative influences and outside pressures, including peer pressure”; and 3) “the character of a juvenile is not as well formed as that of an adult” and the “personality traits of juveniles are more transitory, less fixed.” The Supreme Court has held each mitigates youth's culpability for committing even very serious crimes. The Court has also held that juvenile offenders “must be given the opportunity to show their crime did not reflect irreparable corruption; and, if it did not, their hope for some years of life outside prison walls must be restored.” All of our arguments above in support of the changes to 211.071 apply equally to this provision. Individuals who committed crimes, even very serious crimes, as children should be given the opportunity to be evaluated for fitness to return to society. Please don't remove the ability for the parole board to evaluate these cases on their individual merits to determine whether or not these individuals are worthy of a second chance. That decision will come at a high cost to these individuals, their families, and our taxpayers.



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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>MARCIA HAZELHORST</b>		PHONE NUMBER: <b>573-680-6463</b>	
REPRESENTING: <b>MO JUVENILE JUSTICE ASSOCIATION</b>		TITLE:	
ADDRESS: <b>PO BOX 1332</b>			
CITY: <b>JC</b>		STATE: <b>MO</b>	ZIP: <b>65102</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>1/18/2024 12:00 AM</b>	
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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>MARK BRUNS</b>		PHONE NUMBER: <b>573-632-4209</b>	
REPRESENTING: <b>MO FRATERNAL ORDER OF POLICE, ST. LOUIS POLICE OFFICERS ASSN, KANSAS CITY FRATERNAL ORDER OF POLICE</b>		TITLE:	
ADDRESS: <b>715 JEFFERSON ST.</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65101</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>1/18/2024 12:00 AM</b>	
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<b>WITNESS NAME</b>			
<b>BUSINESS/ORGANIZATION:</b>			
WITNESS NAME: <b>MATTHEW HUFFMAN</b>		PHONE NUMBER: <b>573-634-4161</b>	
BUSINESS/ORGANIZATION NAME: <b>MISSOURI COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE</b>		TITLE: <b>CHIEF PUBLIC AFFAIRS OFFICER</b>	
ADDRESS: <b>217 OSCAR DRIVE, SUITE A</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65101</b>
EMAIL: <b>mhuffman@mocadsv.org</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>1/18/2024 2:42 PM</b>	
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The Missouri Coalition Against Domestic and Sexual Violence (MOCADSV) is a statewide membership association comprised of more than 100 domestic and sexual violence service providing agencies. MOCADSV supports HB1659, and its intent to create the "Stop Cyberstalking and Harassment Task Force" in order to provide better protections for survivors of domestic and sexual violence, and stalking, and to help law enforcement access the training they need to investigate cyber-crimes. Technology is advancing faster than our laws, and unfortunately perpetrators of abuse are savvy at using technology to stalk, harass, intimidate and abuse victims. Cyberstalking is using technology to stalk someone. Cyberstalking does not require close physical proximity to a person, so a perpetrator can often remain anonymous or even enlist others in helping them stalk their victim. Online harassment becomes "cyberstalking" when repeated unwanted communications persist over time to the extent that victims fear for their personal safety and security, and undergo an erosion of certainty and predictability about what to expect each day. The more recent rise of "deepfake" artificial intelligence technology affords perpetrators the ability to create fake videos and images of their victims engaging in activities that can have severe consequences in their lives. This can include an abusive ex-partner creating a "fake porn" video, using it as blackmail, or distributing it to discredit and humiliate their victim. The creation of this task force, and its ability to gather stakeholder feedback, is necessary in order to understand where and how cyber-crimes are happening. Just as important, victim advocates and law enforcement need the training and resources to understand how to support victims of cyberstalking and harassment, and gather the necessary evidence to hold perpetrators accountable.



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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>MICHELE SHANAHAN DEMOSS</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>briiand300@gmail.com</b>	ATTENDANCE: <b>In-Person</b>		SUBMIT DATE: <b>1/18/2024 7:37 AM</b>
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			
<b>I am speaking in support of Blair's Law. I am Blair Shanahan Lanes mother</b>			



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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>NANCY GIDDENS</b>		PHONE NUMBER: <b>573-230-6203</b>	
REPRESENTING: <b>CITY OF KANSAS CITY, MO STATE TROOPERS ASSN., GREATER KC CHAMBER, CIVIL COUNCIL OF GREATER KANSAS CITY</b>		TITLE:	
ADDRESS: <b>208 MADISON ST.</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65101</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>1/18/2024 12:00 AM</b>	
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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>PAUL LEWIS</b>		PHONE NUMBER: <b>636-734-5744</b>	
REPRESENTING: <b>UNITED STATES POLICE CANINE ASSN. - REGION 16</b>		TITLE:	
ADDRESS:			
CITY: <b>SPRINGFIELD</b>		STATE: <b>IL</b>	ZIP:
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>1/18/2024 12:00 AM</b>	
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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>ROBERT SHOCKEY</b>		PHONE NUMBER: <b>573-636-5444</b>	
REPRESENTING: <b>MISSOURI POLICE CHIEFS ASSOCIATION</b>		TITLE:	
ADDRESS: <b>1001 E HIGH STREET</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65101</b>
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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>SHAWN RHOADS</b>		PHONE NUMBER:	
REPRESENTING: <b>MISSOURI SHERIFFS UNITED</b>		TITLE:	
ADDRESS: <b>W. BUS. 50</b>			
CITY: <b>JEFF CITY</b>		STATE: <b>MO</b>	ZIP:
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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>STEVE YOUNG</b>		PHONE NUMBER: <b>816-719-8431</b>	
REPRESENTING: <b>K.C.P.D. / BOARD OF POLICE COMM.</b>		TITLE:	
ADDRESS: <b>1125 LOCUST</b>			
CITY: <b>KC</b>		STATE: <b>MO</b>	ZIP: <b>64106</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>1/18/2024 12:00 AM</b>	
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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>ALEX CASON</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>strandedvisitor@gmail.com</b>	ATTENDANCE: <b>Written</b>		SUBMIT DATE: <b>1/12/2024 5:00 PM</b>
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Although no 12 or 13 year-old should ever be charged as an adult, I am concerned about the creation of a police task force to further surveil and censor Missourians online. Since this is the case, I am opposed to HB 1659 and urge every freedom-loving legislator to reject this Trojan Horse created by the police unions.





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<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>ALEX EATON</b>		PHONE NUMBER: <b>573-616-9860</b>	
REPRESENTING: <b>FAMM</b>		TITLE:	
ADDRESS: <b>1100 H STREET NW, SUITE 1000</b>			
CITY: <b>WASHINGTON</b>		STATE: <b>DC</b>	ZIP: <b>20005</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>1/18/2024 12:00 AM</b>	
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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>ARNIE C."HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>arniedienoff@yahoo.com</b>	ATTENDANCE: <b>Written</b>		SUBMIT DATE: <b>1/18/2024 11:53 PM</b>

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I am Opposed at this time to the Crime Bill Changes. There are way to many items in this Bill. Some are great and some are negative changes. There needs to be several Amendments and Changes made to this Bill. This Bill is being rushed through way to fast, without more intense debate and looking at the ramifications of every change in this Crime Bill.



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<b>TESTIFYING:</b> <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>KORTNIE HUDDLESTON</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>kortniehuddleston@gmail.com</b>	ATTENDANCE: <b>Written</b>		SUBMIT DATE: <b>1/18/2024 1:00 PM</b>
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This bill is overly broad and doesn't adhere to single-subject rules. In addition, I urge you to oppose any portion of the bills that strip away parole chances for kids convicted of 2nd degree murder and allow 14 year old children to be tried as adults. The bill sets the age at which children can be tried as adults at 14 years old, this should be raised to 16. The Supreme Court has upheld a string of cases based on the idea that children are less culpable than adults, even when committing serious crimes. Children are less deterred by punishment, more vulnerable to peer, familial or situational pressure, and their personalities less fixed, which means there's a greater possibility for rehabilitation. Kids should be parole eligible and not doomed to a life in prison for a crime they committed as a child. Whether offenders are released from prison is up to the Missouri Probation and Parole Board. This bill takes control out of the Parole Board's hands in determining what is best for the offender and for society. I urge you to oppose this bill because kids deserve a second chance.



MISSOURI HOUSE OF REPRESENTATIVES  
**WITNESS APPEARANCE FORM**

BILL NUMBER: <b>HB 1659</b>		DATE: <b>1/18/2024</b>	
COMMITTEE: <b>Crime Prevention and Public Safety</b>			
<b>TESTIFYING:</b> <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>MICHAEL</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>MichaelWesten.3up@protonmail.com</b>	ATTENDANCE: <b>Written</b>		SUBMIT DATE: <b>1/15/2024 12:43 AM</b>
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I oppose HB 1659. This bill addresses too many different issues at once. The scope of this bill is too wide for my liking. I urge you to vote "NO" on this bill if it comes up for a vote in committee.



MISSOURI HOUSE OF REPRESENTATIVES  
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<b>TESTIFYING:</b> <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>MICHAEL DREYER</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>mdreyer93@gmail.com</b>	ATTENDANCE: <b>Written</b>		SUBMIT DATE: <b>1/18/2024 12:26 PM</b>
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This bill is overly broad and doesn't adhere to single-subject rules. In addition, I urge you to oppose any portion of the bills that strip away parole chances for kids convicted of 2nd degree murder and allow 14 year old children to be tried as adults. The bill sets the age at which children can be tried as adults at 14 years old, this should be raised to 16. The Supreme Court has upheld a string of cases based on the idea that children are less culpable than adults, even when committing serious crimes. Children are less deterred by punishment, more vulnerable to peer, familial or situational pressure, and their personalities less fixed, which means there's a greater possibility for rehabilitation. Kids should be parole eligible and not doomed to a life in prison for a crime they committed as a child. Whether offenders are released from prison is up to the Missouri Probation and Parole Board. This bill takes control out of the Parole Board's hands in determining what is best for the offender and for society. I urge you to oppose this bill because kids deserve a second chance.



MISSOURI HOUSE OF REPRESENTATIVES  
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COMMITTEE: <b>Crime Prevention and Public Safety</b>			
<b>TESTIFYING:</b> <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>ROYCE DE ROHAN BARONDES</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>potion_dents.0z@icloud.com</b>	ATTENDANCE: <b>Written</b>		SUBMIT DATE: <b>1/17/2024 2:58 AM</b>
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			

This testimony is being submitted by Royce BaronDES on Missouri HB 1659 in my personal capacity, and I do not purport to be speaking for my former employer or any other person. I strongly oppose the adoption of Blair's Law, as currently drafted (proposed section 571.031). This provision goes well beyond simply criminalizing the careless shooting of a firearm into the sky, which should be criminalized insofar as not currently subject to adequate criminal penalties. The bill would generally impose criminal liability on a person using an unsupervised range within a mile of any "occupied structure." One takes it that "occupied structure" would include any occupied building. (There is a definition of "Inhabitable structure" for the Criminal Code, RSMo. 556.061 (30), but I am unaware of any separate definition of "structure" or "occupied structure.") Lots of indoor ranges are within a mile of an occupied structure. If a range is indoors, there is no reason to condition legality of using the range on whether there is an additional supervisor present, which the current bill language provides. A club may well make its indoor facilities available 24/7, with supervision limited to business hours. Criminalizing this activity is entirely unsupported by the purpose of the bill. And there may well be unsupervised outdoor ranges, maintained in accordance with local law, that are within a mile of an "occupied structure." If there is an established, operating firearms range, members of the public should not be forced to guess whether it is within a mile of an occupied structure, or whether it is within the precise boundaries of a municipality. Subjecting exercise of an enumerated constitutional right to a criminal prohibition whose application is unclear is inconsistent with fundamental principles. This bill includes overlapping exclusions. 571.030.3(1) indicates the new crime is subject to existing defenses of justification under chapter 563. That chapter includes a general defense of justification under section 563.026, which is subject to limits on the use of deadly force against persons in 563.031. When there are duplicative provisions in a statute, they are sometimes construed so as to make each provision not redundant, with unanticipated and odd results. Some of the potential results referenced below might be mitigated were the bill revised to indicate that inclusion of proposed section 571.031.3(9) shall not be construed as limiting any otherwise applicable defense that would be provided by Chapter 563. In paragraph (9), lines 19-22, the bill introduces problematic limits on use of a firearm to defend a person against an attack by a wild or dangerous animal. It applies limits, of a type that one might see as applicable to use of force against a person, to make them applicable to use of a firearm against an attacking wild animal, within a mile of any occupied structure. However, there is not an express negation of a duty to retreat, as there is for use of deadly force against persons under current law. This bill may be interpreted, then, as limiting the right to use a firearm, within a mile of an occupied structure, to defend against an attacking animal to cases where the individual did not have what, after the fact, appears to have been a mode of escape. It is not clear why this risk of not perceiving an avenue of retreat should be put on one who kills an attacking animal, but not put on one who kills an attacking person. The bill may well be understood as criminalizing the use of a firearm, within a mile of

an occupied structure, to defend one's pets from vicious animals. It is not clear that the reference to the general defense of justification will be sufficient to decriminalize this, when there is an express provision addressing animal attacks, but that is limited to defense of persons. Proposed 571.031.3(9). I cannot agree with a legislative determination, which may be taken as implicit in this bill, that each and every discharge of a firearm to prevent a family dog being killed by a vicious animal, within a mile of some "occupied structure," ought to be a Class A Misdemeanor. The separate exclusion in the bill for firearms discharges authorized by the department of conservation is not adequately comprehensive to address all these circumstances. In addition, this bill is not limited to intentional discharges of firearms, which were apparently the alleged circumstance that motivated the bill's being filed. The bill includes any discharge with criminal negligence, which is defined as follows in RSMo. 562.016.5: "5. A person 'acts with criminal negligence' or is criminally negligent when he or she fails to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation." I take it, then, that there is a substantial likelihood that any unintended discharge of a firearm within a mile of an occupied structure will now be a Class A Misdemeanor. Except, of course, that if a police officer negligently discharges his firearm when checking its functionality at the beginning or end of a shift, and fails to be aware of the fact that a round is still chambered when he actuates the trigger for some reason, he will not be subject to criminal liability, per proposed 571.031.3 (10). This kind of offense is not the same type of thing as randomly shooting in the sky in celebration of some event, and should not be treated as the same level of offense. Moreover, there is not any justification for making private citizens subject to criminal liability for this when police officers who do the same thing are not. To be in harmony of the circumstances giving rise to the bill, the crime should be limited to knowing firearm discharges. It, frankly, is not clear why what motivated the bill is not addressed by something much more limited like Cal. Pen. Code § 246.3(a) ("Except as otherwise authorized by law, any person who willfully discharges a firearm in a grossly negligent manner which could result in injury or death to a person is guilty of a public offense and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170."). For these reasons, I oppose the bill. Note, again, I am speaking only for myself. I do not engage in the private practice of law, and I have never done so in Missouri. January 17, 2024



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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>J. GREGORY MERMELSTEIN</b>		PHONE NUMBER: <b>573-777-9977</b>	
REPRESENTING: <b>MISSOURI STATE PUBLIC DEFENDER</b>		TITLE: <b>DEPUTY DIRECTOR</b>	
ADDRESS: <b>1000 W. NIFONG, BLDG. 7, STE. 100</b>			
CITY: <b>COLUMBIA</b>		STATE: <b>MO</b>	ZIP: <b>65203</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>1/18/2024 12:00 AM</b>	
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