

HCS HBs 862, 314 & 389 -- MINIMUM PRISON TERMS

SPONSOR: Hovis

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Crime and Public Safety by a vote of 12 to 6. Voted "Do Pass" by the Standing Committee on Rules- Legislative by a vote of 6 to 3.

The following is a summary of the House Committee Substitute for HB 862, 314 & 389.

Currently, if an offender convicted of one of the offenses specified in statute has one previous prison commitment to the Department of Corrections for a felony offense, the minimum prison term is 40% of the sentence. If an offender has two previous prison commitments to the Department of Corrections for felony offenses, the minimum prison term is 50% of the sentence. If an offender has three or more previous prison commitments to the Department of Corrections, the minimum prison term is 80% of the sentence. If an offender who was convicted of, or pled guilty to, a felony offense other than one of the specified offenses in statute prior to August 28, 2019, the offender is no longer subject to the minimum prison term in these provisions and is eligible for parole, conditional release, or other early release, as specified.

This bill repeals these provisions, requiring any offender with one or two prior felony convictions to serve 50% of the sentence imposed by the court, and any offender with three or more prior felony convictions to serve 80% of the sentence.

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 requires minimum sentencing for individuals who have multiple convictions. There is a misunderstanding that there is a requirement for minimum sentencing for individuals who have multiple convictions, but there is not. The minimum prison term percentages relate to previous commitments to the Department of Corrections (DOC), which means that they could have had multiple convictions but haven't served any time previously. So the first time they go to DOC, they are treated as a first-time offender. There is not a judge, attorney, or law enforcement officer who can look at a person in a courtroom and tell you how long a person is going to serve. It is very confusing and there are so many loopholes that are taken advantage of constantly. There is no transparency and no one to hold

accountable because no one knows how long anyone is going to serve. Citizens are upset and call their local law enforcement agencies complaining that they are not doing their jobs because people keep reoffending because they are not required to serve any time. Supporters expressed that Missouri sentencing is not serious, and it is a slap in the face to victims and to law enforcement across our State as well as prosecutors, who spend countless hours of work putting together a felony case. Missouri should be building more prisons to house individuals who are serving longer sentences.

Testifying in person for the bill were Representative Hovis; Arnie Dienoff; Mike Bonham, Missouri Sheriffs United; Roy Cole, Missouri Sheriffs United; and Shawn Rhodes, Missouri Sheriffs United.

OPPONENTS: Those who oppose the bill say that this is not a system that can be individualized and there is a whole system of facts and case-specific circumstances that need to be looked at. No two cases are the same, and there really is no cookie-cutter format for this. Opponents understand why the bills are brought forward, but this takes away opportunities for correctional officers to work on rehabilitating offenders. The cost of the bill is also a deterrent. Opponents say that what Missouri need to do is increase the certainty that a person will be caught, because that will serve as an effective deterrent, while increasing the minimum prison terms will not.

Testifying in person against the bill were Action Now Initiative LLC; FAMM; Felicia Hampton; Khanika Harper, Justice For All; Dream.Org; and Missouri NAACP.

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