

HB 989 -- SENTENCE DEPARTURES DUE TO DOMESTIC ABUSE

SPONSOR: Reuter

This bill establishes the "Missouri Survivors' Act", which provides that if it has been established during a hearing to sentence a person or to accept a person's guilty plea that the person is a survivor of domestic abuse, the court must consider that the defendant has been abused by the defendant's intimate partner or family or household member. The bill specifies what type of evidence the defendant must provide to the court to prove the abuse. If the court finds by a preponderance of the evidence that the defendant is a survivor of domestic abuse and that the abuse was a substantial contributing factor to the defendant's criminal liability, the court must depart from the applicable sentence ranges as specified in the bill.

If a court has imposed a sentence on a defendant for an offense other than an offense that would require the defendant to be placed on the sex offender registry or an attempt or conspiracy to commit the offense or an offense for which the defendant has been sentenced to death and the defendant is serving the sentence, the court must impose a lesser sentence if the court determines after a hearing that, at the time of the offense for which the sentence is being served, the defendant was a victim of domestic abuse and the abuse was a significant contributing factor to the criminal behavior of the defendant.

The bill allows a person who is in the custody of the Department of Corrections for a class A, B, C, or D felony committed prior to November 1, 2025, and who is eligible for a lesser sentence under the provisions of this bill to, on or after November 1, 2025, submit a request to the judge who imposed the original sentence to apply for resentencing. The bill specifies instances in which the resentencing application will be randomly assigned to a different judge. A request that has not met the requirements of the section will be dismissed without prejudice. If the request has met the requirements to apply, the court will provide notice to the person that he or she may submit an application for resentencing. The bill describes the types of evidence that must accompany the application for resentencing. If the court determines that an applicant should not be resentenced, the court must inform the applicant of its decision and enter an order to that effect. If the court determines that the applicant should be resentenced, the court will enter an order vacating the sentence originally imposed and will impose a new sentence as specified in the bill.

The provisions of this bill will become effective November 1, 2025.