



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 989		DATE: 3/26/2025	
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: ALAN SMITH		PHONE NUMBER: 614-893-9999	
REPRESENTING: R STREET INSTITUTE		TITLE: MIDWEST DIRECTOR	
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Testimony from: Lisel Petis, Senior Fellow, R Street Institute. March 26, 2025. Missouri House Judiciary Committee Chair Parker, Vice Chair and sponsor Reuter, Ranking Minority Member Smith and members of the House Judiciary committee, My name is Lisel Petis, and I am a policy director at the R Street Institute, a nonprofit, nonpartisan public policy organization dedicated to practical solutions that promote free markets and limited, effective government. My work centers on criminal justice and civil liberties, and I come to this issue not only as a researcher, but also as a former prosecutor and the former executive director of a victim services agency where I worked firsthand with survivors of domestic and sexual violence. I have seen how often the justice system fails to account for the full context of abuse. That is why I strongly support House Bill 989 Missouri Survivors' Act, which gives courts the tools to make more informed, balanced sentencing decisions relating to cases that involve domestic abuse as a substantial contributing factor. More than 41 percent of women in Missouri have experienced intimate partner violence. For some, after years of threats, violence, and fear, survival instincts take over and they act to protect themselves or the ones they love. In Missouri, where domestic violence remains a persistent and deadly issue, this is tragically understandable. Yet all too often, the justice system responds to these survivors primarily with punishment rather than protection and tools for healing and reconciliation. Victims who defend themselves are often sentenced without the court ever hearing the full story of the abuse that led them there. Missouri law hasn't yet caught up with best practices, leaving survivors behind bars—and the number continues to grow. As a result, too many survivors—mostly women, often mothers—are incarcerated for actions driven by desperation or the instinct to survive. This growing gap between the law and lived experience calls for a measured solution, which HB 989 thankfully offers. This bill does not remove accountability. It does not guarantee a reduced sentence or early release. Rather, it ensures that judges have the option to weigh credible evidence of abuse at sentencing and, when appropriate, revisit older cases where that evidence was never considered. Importantly, the bill includes judicial safeguards to ensure only substantiated petitions for reconsideration move forward, preventing misuse of the process. Missouri would not be the first state to adopt this approach. States like Oklahoma have already implemented similar changes, and other states—like Georgia—are considering them. The result: fairer outcomes for survivors, improved system efficiency, and reduced incarceration of those who pose little to no public safety risk. HB 989 is a thoughtful, responsible step towards ensuring Missouri's justice system reflects the real experiences of domestic violence survivors. It strengthens our courts, respects victims, and promotes accountability without ignoring context. And it does so while preserving all necessary procedural protections to ensure the integrity of the process. I respectfully urge this committee to support the Missouri Survivors' Act and move HB 989 forward. 1) H.B. 989, "Missouri Survivors' Act," Missouri 103rd General Assembly. <https://house.mo.gov/bill.aspx?bill=HB989&year=2025&code=R>. 2)

“Domestic Violence in Missouri,” National Coalition Against Domestic Violence, last accessed March 25, 2025. https://assets.speakcdn.com/assets/2497/ncadv_missouri_fact_sheet_2020.pdf. 3) “Missouri,” John Hopkins Bloomberg School of Public Health, 2022. <https://publichealth.jhu.edu/center-for-gun-violence-solutions/missouri>. 4) Jennifer Caldwell, et al, “Why I Hit Him: Women’s Reasons for Intimate Partner Violence,” J Aggress Maltreat Trauma, 18:7, Oct. 2009, pp. 672-697. <https://pmc.ncbi.nlm.nih.gov/articles/PMC2975361>. 5) “Missouri,” Vera Institute for Justice, Oct. 16, 2024. <https://trends.vera.org/state/MO>. 6) Wendy Sawyer and Wanda Bertram, “Prisons and jails will separate millions of mothers from their children in 2022,” Prison Policy Initiative, May 4, 2022. https://www.prisonpolicy.org/blog/2022/05/04/mothers_day. 7) “Williams, Roberts Recognize Lisa Moss, Oklahoma Survivors’ Act,” State of Oklahoma House of Representatives, Feb. 11, 2025. https://www.okhouse.gov/posts/20250211_1; H.B. 582, Georgia Survivor Justice Act,” Georgia 2025-2026 Regular Session. <https://legiscan.com/GA/bill/HB582/2025>. Thank you, Lisel Petis Policy Director, Criminal Justice and Civil Liberties R Street Institutelpetis@rstreet.org



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: BRIAN BERNSKOETTER		PHONE NUMBER: 573-636-2822	
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ELLEN H. FLOTTMAN		PHONE NUMBER:	
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: GWEN SMITH		PHONE NUMBER: 573-416-0760	
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: JEFF SMITH		PHONE NUMBER: 314-323-0915	
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: MARIA GOELLNER		PHONE NUMBER: 717-945-9089	
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Thank you to the Chair, Vice Chair, and members of the Committee for considering this written statement in support of House Bill (HB) 989 - the Missouri Survivors' Act, sponsored by Representative Renee Reuter (R-112). I write on behalf of FAMM, a nonpartisan, nonprofit organization that seeks to create a justice system that respects our American values of individual accountability and dignity while keeping communities safe. For more than three decades, FAMM has been a leading voice for sentencing policies that are individualized and fair, protect public safety, and preserve families. We have supported legislatures across the country in creating more pathways for long sentences to be reviewed and adjusted through a "second look" resentencing. Missouri has one of the highest rates of domestic abuse in the nation . 41.8% of Missouri women and 35.2% of Missouri men experience intimate partner physical violence, sexual violence, or stalking in their lifetimes. During a dangerous situation, the brain switches to "survival mode" and the body relies on reflexes for survival. Many people who are victims of abuse react to it or defend themselves from it. Some find themselves facing prosecution for their response. For example, FAMM has had reports of victims charged for standing up to their abusers physically or even killing them to stop them from imminent abuse; victims of sex trafficking being charged with prostitution; victims of sexual assault being disbelieved and even charged with filing false reports. Note that if a police officer is unable to determine who is the primary aggressor in a domestic violence call, he or she may arrest both parties, the wrong party, or neither, leaving the abused individual to fend for themselves. Historically, these individuals have had little legal recognition of the complex circumstances leading to their arrest and sentence. Society's understanding of physical, emotional, and sexual violence has evolved significantly in recent decades. We know now how common abuse and violence are, but the law is taking much longer to catch up. These issues are still stigmatized. Though domestic and sexual violence are now largely illegal, Missouri has an obligation to prevent lengthy sentences for victims of abuse who find themselves facing prosecution for reacting or defending themselves. HB 989 will help do this. This bill would provide relief to people who were victims of abuse and subsequently convicted of a crime that was directly related to it. Specifically, the bill would allow judges the opportunity to review evidence of abuse and the discretion to tailor sentences to the individual circumstances of the case. This is important because mandatory sentencing provisions have failed to address the realities and needs of this population. For victims and survivors of crime who have already been sentenced, the bill would provide an opportunity for resentencing where they can show that the offense was directly related to the abuse. FAMM works with individuals who would benefit from the Survivors' Justice Act. Not only have these individuals suffered pain and trauma at the hands of their abusers, but they have also had to deal with the pain and trauma of being criminally charged and punished. Incarceration is extremely

hard on a family unit and the family “does the time” with their loved one. Children lose their parents, parents lose their children, and the cycle continues. This bill is a good policy that will help the state slow or stop that vicious cycle. Further, we know that long sentences hurt public safety by consuming massive amounts of money that could otherwise be used to prevent crime and abuse. This bill is particularly timely given the high fiscal cost of incarcerating a Missourian unnecessarily. The Missouri Department of Corrections has an \$968 million recommended 2025 budget . There are 23,000 people incarcerated in state prisons across 19 facilities, but correctional staff have a 30% staff turnover rate. HB 989 would increase public safety, use taxpayer resources wisely, and give victims and survivors of crime a “second look” when they committed a crime related to their abuse. This legislation provides a balanced, safe approach. It does not provide a “get out of jail free” card. It does not do away with accountability. It does allow judges, and indeed the law itself, the flexibility to consider the full context in cases of domestic and sexual violence. FMM supports HB 989 and asks you to please vote “yes.” Thank you for considering our views. Please contact me at mgoellner@famm.org or (717) 945-9089 with questions or to discuss this matter further. Citations for this testimony are available upon request in PDF version of this testimony, which was emailed in full form to the Committee.



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: MARIE NDIAYE		PHONE NUMBER: 202-913-1520	
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TESTIMONY IN SUPPORT OF HB 989The Committee on the Judiciary and Civil and Criminal Jurisprudence Missouri Senate March 26, 2025 FWD.us respectfully submits this written testimony in support of the Missouri Survivors' Justice Act (HB 989/SB 434). FWD.us is a bipartisan political organization that believes that America's families, communities, and economy thrive when more individuals are able to achieve their full potential. To that end, FWD.us has worked to advance common-sense criminal justice reforms that prioritize public safety, fairness, and fiscal responsibility in some of the nation's highest incarcerating states including Oklahoma, Mississippi, and Arizona. The Survivors' Justice Act is a critical step toward modernizing Missouri's response to domestic violence in state courts, ensuring that survivors' unique circumstances are taken into account to deliver fair and just outcomes in sentencing. Protecting Survivors and Strengthening Justice The connection between domestic violence, trauma, and criminal justice involvement is now well established. More than 70% of women incarcerated in prisons and jails report experiencing intimate partner violence victimization. Many survivors are incarcerated as a direct result of their abuse for actions they took to protect themselves or a loved one. Missouri has one of highest rates of domestic violence in the country, with reports indicating that 50% of women in the state experience some type of intimate partner violence in their lifetime. Yet, Missouri's legal framework has not evolved to address the unique challenges faced by survivors swept into the criminal justice system as a result of the violence they experience. HB 989 is an Opportunity to Act with Smarter Sentencing The Missouri Survivors' Justice Act addresses this gap by introducing key changes. First, it establishes a new mitigating factor during sentencing for domestic violence survivors, allowing judges to consider the link between the abuse and the instant offense during sentencing. Second, it provides an opportunity for incarcerated survivors to apply for resentencing if their offenses were directly related to the abuse they suffered. Third, the bill empowers judges to review evidence of abuse and exercise discretion to reduce sentences, ensuring that punishments are proportionate to the circumstances. This legislation is not just necessary—it is long overdue. Too many survivors continue to languish in prison for decades with no meaningful legal avenue for relief. While Missouri has taken steps in the past to account for the impact of domestic violence in criminal prosecutions and sentencing, such as the addition of an affirmative defense for "Battered Spouse Syndrome" in 1987, these measures have not kept pace with our modernized understanding of the issue. Current law fails to account for the ongoing threat that survivors face in abusive relationships, forcing them to navigate constant danger to stay alive. Additionally, the requirement of a psychiatric diagnosis under Battered Spouse Syndrome serves as an unnecessary barrier, excluding many survivors rather than protecting them. The scientific understanding of domestic violence has expanded significantly in the last thirty years, revealing the profound ways in

which trauma can influence behavior and criminal conduct. In 2007, Missouri's legislature recognized that prior to the introduction of Battered Spouse Syndrome, cases had been tried with no legal protections for abuse victims. They passed HB 583, permitting parole review for individuals convicted of killing their abusive spouse or domestic partner if they were sentenced before 1991. This bill is similar, in that it both updates the factors that should be taken into account at sentencing moving forward to better meet our current understanding of domestic violence and trauma response and establishes a pathway to reassess past cases that did not receive full and appropriate consideration of these factors. HB 989 Empowers Courts to Balance Accountability and Fairness This bill is not about excusing criminal behavior—it is about ensuring that the justice system accounts for the full context of a survivor's experience. The Act is a vital policy that empowers judges to make informed, nuanced decisions based on documented evidence of abuse and individual circumstances of the cases before them. Far from being a blanket release mechanism for all people who have been previously victimized, the Act is narrowly tailored to apply only in cases where documented domestic abuse was a significant contributing factor to the crime for which the survivor was charged. For crimes against a person, the Act provides strict safeguards, requiring that the victim in those cases be the abuser that the survivor was protecting themselves against. The plain language of the bill prohibits relief in crimes committed against third parties. Missouri judges, who are already trusted to apply more complex legal standards, are well-equipped to fairly and appropriately implement this law while safeguarding against misuse. The bill acknowledges the complexities of domestic abuse and enables courts to craft sentences that are fair and proportional instead of resorting to a punitive one-size-fits-all sentencing. For instance, a survivor resentenced to a trauma recovery program — rather than serving a decade in prison — can rebuild their life, secure stable employment, and protect their children from future harm. Research shows that excessively long sentences do not improve public safety but do impose significant costs on taxpayers and families. The Missouri Survivors' Justice Act offers a balanced approach that upholds accountability while recognizing the profound impact of domestic violence on those criminalized for their survival. Currently, hundreds of survivors are serving unnecessarily long sentences, despite posing no public safety risk. By offering them a path for resentencing, Missouri can take a significant step toward a more compassionate and accountable justice system. Other States Show Survivors' Justice Act Works Missouri is not alone in confronting this issue. Across the country, a disproportionate number of people in prison, especially women, have experienced physical and sexual violence and other forms of abuse. For instance, a 2005 study of women entering Georgia prisons found that 78% had experienced physical abuse from their partner, 60% had experienced threats of being killed, and 81% reported five or more traumatic events in their lifetime. As a result, Georgia's House of Representatives passed a version of the Survivors' Justice Act earlier this month with a vote of 166-2. That legislation is now pending in the GA Senate. Similarly, in Oklahoma, a 2014 study of women in OK prisons found that 66% had experienced intimate partner violence within a year of their incarceration. Indeed, Oklahoma, another state with a high level of domestic violence, passed a law in 2024 mirroring HB 989, enabling judges to reconsider sentences for survivors whose offenses were directly related to their abuse. The first cases have begun to be heard under that law, including that of Lisa Moss, whose sentence was reduced to 30 years from life in prison for conspiring with her brother to kill her husband — a husband who had physically abused and raped her and molested her five-year-old daughter. The Oklahoma law, like the bill before you today, does not excuse the actions Lisa Moss took, but gave the judge an opportunity to revisit the case and reconsider the sentence alongside the full context. Other states have also enacted similar laws, demonstrating that this legislation is both practical and widely supported. These bipartisan efforts in red and blue states reflect a growing consensus that acknowledging the impact of domestic violence strengthens our justice system without compromising public safety. Safety and Justice Go Hand in Hand The Survivors' Justice Act represents a critical step towards a justice system in Missouri that prioritizes fairness alongside accountability. It will provide judges with the tools they need to make informed sentencing decisions, allow incarcerated survivors a path to justice, and safely reduce unnecessary incarceration. The Survivors' Justice Act will serve as another building block to a safer and stronger Missouri. FWD.us urges this committee to support and advance HB 989. Thank you for your time and consideration.



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WITNESS NAME		
BUSINESS/ORGANIZATION:		
WITNESS NAME: RACHEL WRIGHT		PHONE NUMBER: 859-802-1146
BUSINESS/ORGANIZATION NAME: RIGHT ON CRIME		TITLE: NATIONAL POLICY DIRECTOR
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The Honorable Cameron Parker Chair, House Judiciary Committee Missouri House of Representatives 201 W. Capitol Ave. Jefferson City, Missouri 65101 Dear Chair Parker and Members of the House Judiciary Committee: I write to you today in support of the policies of HB 989/SB 434, known as the Missouri Survivors' Justice Act. At Right On Crime, we are committed to reducing violent crime while examining how we treat defendants who are also victims. Too many survivors of domestic violence are forced into criminal actions to protect themselves and end up serving overly punitive prison sentences as a direct result of their abuse. The Missouri Survivors' Justice Act is designed to allow judges the opportunity to reduce excessive sentences and provide the right balance of accountability and fairness. Missouri has one of the highest rates of domestic violence in the country: around 50% of women in Missouri have been victims of intimate partner violence at some point in their lives. The harsh criminal penalties currently in place can overincarcerate Missourians, particularly if a judge cannot consider the motive or purpose of a crime. Such motive is uniquely different for domestic abuse survivors and should be considered at the sentencing phase. The bill's provision for sentencing adjustments based on the circumstances of the survivor at the time of the offense reflects a realistic and caring approach to criminal justice. By offering clear guidelines for sentence reductions, the legislation would promote rehabilitation and reintegration into society while still holding individuals accountable for their actions. The bill also protects against overuse or abuse. It contains language that would prevent someone from claiming that she is a domestic violence survivor to garner a lighter sentence. As written, the bill requires a judge to find by clear and convincing evidence that the previous domestic abuse was a contributing factor to the defendant's culpability for mitigation to apply. There is also a time requirement: the allegations of abuse must be within one year of the crime committed by the domestic abuse victim. Experience from other states, such as Oklahoma, shows that narrowly tailored language like this can preclude or eliminate frivolous claims. For instance, since passing a similar survivors' justice law in Oklahoma last year, one woman has received relief so far. As a supporter of conservative approaches that improve public safety and uphold the integrity of the justice system, Right On Crime asks you to consider these comments when determining what action to take on HB 989/SB 434. By endorsing this legislation, you can champion conservative values while advancing policies that promote the well-being and safety of all Missourians. Sincerely, Rachel Wright National Policy Director Right On Crime



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WITNESS NAME		
BUSINESS/ORGANIZATION:		
WITNESS NAME: SHEENA EASTBURN		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME: SHOW ME JUSTICE FOR ALL		TITLE: EXECUTIVE DIRECTOR
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March 26, 2025 Dear Judiciary Committee, My names is Sheena Eastburn. I am writing in regard to HB 989. I have testified in front of your committee before and shared my story. I support HB989 because I am an example of a person who spent 25 years in prison for being accessory to murder of my abuser. I was to sentenced to Death by Incarceration but because of 2012 law change, my sentence was overturned. I was married when I was barely 15 to a man 21. The fist month was the first hit, second month was the first time he raped me. I spent two years in the abusive situation. He chased me down when Iran away, or the police would return me to him as a runaway. I endured physical, mental, emotional and sexual abuse and felt there was no way out. A couple of my wayward associates offered to make sure he could not hurt me again after he kidnapped me took me to the woods and had a shallow grave dug, had a gun to my head and said he could shoot me and everyone would think I just ran away. I tried restraining order and he laughed at that, I tried running away he tracked me down, I tried going to a shelter but was not old enough. I finally got a divorce and the stalking and abuse got worse. I am not saying that what I did was fair. A man lost his life, a family lost their loved one, but at that time I felt trapped and felt he would one day kill me as he said over and over he would. While incarcerated I met many women who are still in prison for their abuser. Kristin Allen Brown was trying to escape her abuser when a pastor friend showed up to help her and her daughter escape her then boyfriend beat him to death with a bat. She was sentenced to life without parole. She has been there 30 years, lost her daughter, and still has no reprieve to get released. The man that abused her told her she would go to prison with him for the rest of their lives so no one else could be with her. He committed suicide in prison and yet she remains. Please vote yes for HB989 for women like me, Kristin Allen, Magaret Hodges (who died in prison) who were over sentenced due to being in an abusive relationship. Who were not protected. Thank you for your time and consideration for such an impactful change for victims of domestic violence. Sheena Eastburn Executive Director Show Me Justice For All



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: MARK J. WELKER		PHONE NUMBER: 573-243-2430	
BUSINESS/ORGANIZATION NAME: MISSOURI ASSOCIATION OF PROSECUTING ATTORNEYS		TITLE: CAPE GIRARDEAU COUNTY PROSECUTING ATTORNEY	
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This bill would create sweeping mitigation for defendants who meet the definition of a domestic abuse survivor under the act. Under the act, a defendant found to be a domestic abuse survivor would automatically receive a lower range of punishment for any offense so long as the abuse occurred within one year of the charged offense and the abuse was a “substantial contributing factor to the defendant’s criminal liability”. Under this act, a person who has been a domestic or sexual abuse survivor within the past year could go out, commit a random robbery at gunpoint or distribute fentanyl, argue that his or her conduct was substantially caused by the abuse previously suffered, and receive a lesser sentence, even though the offense isn’t a direct result of the abuse or directly linked to the defendant’s abuser. We are not opposed to considering a person’s status as a domestic or sexual abuse survivor at sentencing. It happens all the time already. Defense attorneys routinely point to their clients’ past abuse or mental health concerns as mitigating evidence during a sentencing hearing. However, we believe that if this specific mitigation is to be formally considered in every case, it should be added as a new section of the existing Sentencing Advisory Reports (SARs) prepared by Probation and Parole for the court’s consideration prior to sentencing. Further, we do not believe that the defendant should automatically receive a lesser sentence once the court has found their conduct to be a “substantial contributing factor”, though it may be appropriate for the judge to consider sentencing a domestic survivor on the lower end of the range of punishment in some circumstances. The purpose of this bill is no doubt to give consideration to those who have gone through the traumatic experience that is domestic or sexual violence. There is no question that many criminal defendants are or have been subjected to domestic, sexual, or psychological abuse at some point in their lives. However, we are all still accountable for our actions. Passing this act would be an insult to many of those victimized by these survivors, and could have a significant negative impact on public safety in Missouri.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ANGELA HIRSCH		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
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CITY:		STATE:	ZIP:
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ARNIE C. AC. "HONEST-ABE" DIENOFF		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: MATTHEW HUFFMAN		PHONE NUMBER: 573-634-4161	
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March 26, 2025 House Judiciary Committee Information-only Testimony for House Bill 989 Chair Parker and members of the Committee, On behalf of the Missouri Coalition Against Domestic and Sexual Violence (MOCADSV) and it's almost 100-member agencies that provide services to the state's victims of domestic violence, sexual assault and rape, and stalking, we want to provide information regarding House Bill 989. MOCADSV was a founding member of the Missouri Battered Women's Clemency Coalition, and we support efforts that recognize domestic violence should be considered when a court is determining sentencing for a crime. In the most extreme cases, domestic violence survivors may be put into a situation when, out of self-defense for their own life, they have killed or seriously injured their abusive partner. In other circumstances, survivors might be forced or coerced by their abusive partner or trafficker to engage in criminal activity. The root cause of that criminal activity is ultimately caused by the behavior of the abusive partner, and that is an important consideration for a court to weigh when determining sentencing. MOCADSV supports the intent of House Bill 989, but we have concerns about the time limit to which abuse can be used as evidence. The bill's language, "Documentary evidence corroborating that the defendant was, at the time of the offense or within one year prior to the commission of the offense..." limits a survivor's ability to establish a pattern of abuse. This time limit doesn't provide the full benefit of this bill's intent when it only provides a specific time frame for which the abuse has occurred and when we know that in longer-term relationships it can be the culmination of years of ongoing psychological, physical, and sexual abuse that leads to the current situation for the victim who has killed or harmed their abusive partner.