

HCS HB 1872 -- SENTENCE DEPARTURES DUE TO DOMESTIC ABUSE

SPONSOR: Reuter

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Children and Families by a vote of 5 to 1 with 8 members voting Present.

The following is a summary of the House Committee Substitute for HB 1872.

This bill allows an offender who is incarcerated and was found guilty of an offense stemming from certain abuses suffered by the offender, with no prior violent felony convictions, with no further cognizable legal recourse, and a history of being a victim of continual and substantial abuse to be eligible for parole after having served the lesser of five years or one-third of such sentence.

The bill establishes the "Missouri Survivors' Act", which provides that, if during a hearing to sentence a person or to accept a person's guilty plea, it has been established that the person is a survivor of domestic abuse, the trier must consider that the defendant has been abused by the defendant's intimate partner or family or household member, the trafficker of the person, or other individuals who used the person for financial gain. The bill specifies what type of evidence the defendant must provide to the court to prove the abuse. If the trier finds by a preponderance of the evidence that the defendant is a survivor of domestic abuse or was subjected to physical, sexual, or psychological abuse or coercion and that the abuse or coercion was a substantial contributing factor to the defendant's criminal liability, the trier 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 offense for which the defendant is presently in custody or 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, D, or E felony committed prior to August 28, 2026, and who is eligible for a lesser sentence under the provisions of this bill to, on or after August 28, 2026, 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 this 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 August 28, 2026.

This bill is similar to HB 989 (2025).

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 current law needs to be updated when we learn things that we didn't know before. This allows someone who is imprisoned for something they did due to domestic violence being inflicted on them to have their case revisited. Abuse is not allowed in a murder trial if the abuser isn't there to defend himself. It's not a "get-out-of-jail-free" card, it's the ability to take a second look. This is about fairness and hearing a victim's full story. Supporters further state the system has failed women who are incarcerated due to defending themselves from their abusers. The stories of abuse are often not allowed in court due to hearsay. This bill will move the law in the right direction.

Testifying in person for the bill were Representative Reuter; R Street Institute; FWD.us; Arnie Dienoff; Bernt Walker, Missouri Appleseed; Gwen Smith, Empower Missouri; Mary Quandt, Missouri Appleseed; Sheena Rogers, Show Me Justice For All; and Risharda Parker, Foster Care & Adoptive Care Coalition.

OPPONENTS: There was no opposition voiced to the committee.

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.