

HCS HB 2254 -- POSTCONVICTION RELIEF

SPONSOR: Hovis

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 8 to 5.

The following is a summary of the House Committee Substitute for HB 2254.

Current law requires the court to find on the record whether the movant of a motion to set aside a sentence of death is indigent. This bill specifies that, whenever the death penalty is imposed in a case, the circuit court must, at the time it imposes sentence and judgment, find on the record whether the defendant is indigent. The bill requires the court to, without delay, appoint counsel for the defendant to represent the defendant in his or her motion for postconviction relief. If the court finds that the defendant is not indigent, the court may enter an order denying appointment of counsel. The bill requires one of the two appointed counsel to have at least three years of litigation experience in the field of postconviction review and to have been a member of the Missouri Bar for at least five years. The bill allows the circuit court to appoint other counsel upon a good cause showing. Appointed counsel is prohibited from representing the defendant in the defendant's direct appeal.

The bill also provides that the State will comply with any additional requirements of Federal law, as specified in the bill.

This bill is similar to HB 1169 (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.

PROPOSERS: Supporters say that this deals with postconviction relief and statutes that will assist in the process regarding the death penalty. These cases in the '80s were averaging a six-year wait for the appeals process and now it's closer to 20. This makes our standards meet the Federal standards. This legislation assists both parties because it requires the sentencing court to appoint counsel immediately upon conviction for appeals purposes. That's not how it usually works. It's very difficult to have to tell victims that ultimate justice won't be served for at least 18 years. The delay causes anger, fear, stress, and anxiety while they are waiting. These offenders have more rights than their

victims. They are able to see their families and the victims are not.

Testifying in person for the bill were Representative Hovis; Arnie Dienoff; Greg Goodwin; Mary Mcintee; and Traci Duncan.

OPPONENTS: Those who oppose the bill say that there is a lot of discussing about certainty but the reason this process takes so long is because the ultimate punishment is the death penalty. If the penalty were life without parole, this would go much faster. There is a huge problem with having a lot of attorneys at the same time and there ends up being a conflict of interest. A lot of times, postconviction relief includes ineffective assistance of counsel and it's hard to argue that when there are so many people representing the same person at the same time. There is a very good reason that the attorneys are appointed successively rather than all together. A lot of times cases take so long because they are reversed and remanded on appeal so they go back to the trial court so they start over and that causes these cases to go on for many years.

Testifying in person against the bill was Missourians For Alternatives To The Death Penalty.

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.