

HB 2254 -- POST-CONVICTION RELIEF IN CAPITAL CASES

SPONSOR: Hovis

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).