



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 1872		DATE: 3/31/2026	
COMMITTEE: Children and Families			
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	
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EMAIL: asmith@rstreet.org	ATTENDANCE: Written	SUBMIT DATE: 3/30/2026 2:35 PM	

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I am submitting written testimony by our expert, Jillian Snider, Resident Senior Fellow, Criminal Justice & Civil Liberties, who teaches at John Jay College of Criminal Justice and is an elected member of to the Council on Criminal Justice, serving on their Women's Justice Commission.



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Testimony from:

Jillian E. Snider, Resident Senior Fellow of Criminal Justice and Civil Liberties, R Street Institute

**Testimony in Support of House Committee Substitute for House Bill 1872,
 "Missouri Survivors' Act."**

March 31, 2026

House Committee on Children and Families

Chairwoman Jones, Vice Chair Tara, Ranking Member Raychel and members of the House Committee on Children & Families:

My name is Jillian E. Snider, and I am a resident senior fellow for criminal justice and civil liberties at the R Street Institute, a nonprofit, nonpartisan, public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, including the criminal justice system. I am also an adjunct instructor at John Jay College of Criminal Justice and a retired police officer from the New York City Police Department.

Throughout my law enforcement career, I saw firsthand the devastating toll that domestic violence takes on families, communities, and the officers who respond to those calls. That experience informs my perspective today: I approach this issue not as someone seeking to weaken accountability, but as someone who understands that the justice system works best when it accounts for the full circumstances of a case. Given R Street's commitment to pragmatic, pro-public safety policies that improve both fairness and community well-being, we have a strong interest in the committee substitute for House Bill 1872, the Missouri Survivors' Act, and we urge the committee to advance it.

R Street Institute has previously supported earlier iterations of this legislation, and we are pleased to see the Missouri Survivors' Act continue to advance. In the time since our prior testimony, the national landscape has shifted meaningfully in favor of survivor justice reform, reinforcing the urgency of action in Missouri.

Intimate partner violence is a pervasive problem across the country, but Missouri faces an especially acute challenge. Missouri has consistently ranked among the states with one of the highest rates of intimate partner violence. Approximately 41.8 percent of Missouri women and 35.2 percent of Missouri men have experienced intimate partner physical violence, sexual violence, or stalking in their lifetimes. In 2018, Missouri law enforcement recorded 45,548 domestic violence incidents—a 10.3 percent increase from 2014—and 89 domestic violence-related homicides, accounting for nearly 12 percent of all homicides in the state that year. Meanwhile, in 2019, domestic violence programs served over 36,000 Missourians, but more than 26,000 requests for services went unmet due to lack of resources. This widespread abuse has a direct connection to incarceration. Research synthesizing findings

across multiple studies has found that experiences of intimate partner violence in adulthood are reported by approximately 70 to 80 percent of incarcerated women. One study of women held in jails across multiple states found that 77 percent had experienced intimate partner violence, 93 percent of whom reported physical abuse, and 63 percent reported that the abuse involved a weapon. The justice system has long failed to recognize how deeply intertwined women's victimization and criminalization are—many women enter the system not despite their abuse, but because of it. Indeed, since 1985, the number of incarcerated women in the United States has tripled, yet the system remains largely designed for men, failing to account for the trauma, coercion, and survival-driven behavior that characterize many women's pathways to incarceration. These are not abstract statistics. They describe women—often mothers—whose survival instincts led them into contact with the criminal justice system, frequently without courts ever hearing the full story of the abuse that shaped their actions.

HCS HB 1872 takes a carefully structured approach. At sentencing or during plea proceedings, it requires courts to consider evidence of domestic abuse as a mitigating factor when the defendant can demonstrate, by a preponderance of the evidence, that abuse was a substantial contributing factor to the offense. Critically, the bill also creates a retroactive resentencing mechanism for individuals currently incarcerated for offenses committed prior to August 28, 2026, allowing them to petition the court for review.

The bill includes robust safeguards. Defendants must present corroborating documentary evidence—including at least one piece from an official source such as a court record, law enforcement report, hospital record, or order of protection. The legislation also expressly excludes individuals required to register as sex offenders and those sentenced to death. Judicial discretion is preserved throughout, and the resentencing process includes provisions for prosecutorial notification, opportunity to oppose, written findings of fact, and appellate review. This is not a blanket reduction in sentences. It is a structured, evidence-based mechanism that ensures courts can weigh the full context of a case.

Missouri would not be charting new territory. The national momentum for survivor justice legislation has accelerated significantly. Oklahoma's Survivors' Act took effect in September 2024 and has already begun producing results—the first individual resentenced under the law was released in January 2025 after serving 34 years. Georgia's Survivor Justice Act was signed into law by Governor Kemp in May 2025 with overwhelming bipartisan support, and has been described as the most comprehensive survivor justice statute in the nation. The American Legislative Exchange Council has adopted a model Survivor Justice Act, and additional states including New Jersey have passed their own version. Survivor sentencing laws offer a responsible, structured way to correct sentences that failed to account for trauma—and prosecutors' practical concerns about judicial efficiency and credible petitions are addressed by the evidentiary standards and gatekeeping provisions built into these bills. Missouri has an opportunity to join and build on this growing bipartisan consensus.

A significant aspect of HCS HB 1872 is its recognition of coercion as central to many domestic violence-related offenses. Many survivors commit crimes under duress—often as a direct result of threats, manipulation, or control exercised by their abusers. Under current Missouri law, defendants in such situations may have limited ability to present evidence of that coercion at sentencing. This bill directly addresses that gap, allowing survivors the opportunity to demonstrate that they acted under conditions of abuse.

Current sentencing practices often fail to account for the effects of prolonged abuse, leading to disproportionately harsh outcomes for individuals whose offending was driven by trauma. HCS HB 1872 provides courts with the tools to consider those circumstances without eliminating accountability. Research on sentencing reform has shown that when judges can weigh trauma as a factor, outcomes improve in terms of both fairness and rehabilitation, contributing to lower recidivism rates.

The Missouri Survivors' Act provides critical, long-overdue protections for survivors of domestic abuse who have been drawn into the criminal justice system by the very violence inflicted upon them. It ensures that courts can hear the full context of a defendant's experience, promotes proportionate sentencing, and offers a structured path to resentencing for those whose abuse was never adequately considered. It does all of this while preserving judicial discretion, prosecutorial involvement, and meaningful evidentiary standards.

I urge the committee to pass HCS HB 1872 and take a meaningful step toward justice for survivors in Missouri.

Thank you for your time and consideration.

Jillian E. Snider

R Street Institute

Resident Senior Fellow, Criminal Justice and Civil Liberties



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: ARNIE C. A.C. "HONEST ABE" DIENOFF		PHONE NUMBER:	
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WITNESS NAME		
BUSINESS/ORGANIZATION:		
WITNESS NAME: BERNT WALKER		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME: MISSOURI APPLESEED		TITLE:
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WITNESS NAME: GWEN SMITH		PHONE NUMBER: 314-324-9656	
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TESTIMONY IN SUPPORT OF HB 1872
 The Committee on Children and Families
 Missouri House
 March 31, 2026

FWD.us respectfully submits this written testimony in support of the Missouri Survivors' Justice Act, HB 1872. 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 1872 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 1872 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. Opponents of this legislation either misunderstand or willfully mischaracterize the bill's scope. The bill would not interfere with the prosecutor's function; prosecutors remain free to charge the highest applicable offense they can prove. It grants Missouri judges discretion in sentencing. Furthermore, the bill does not shirk accountability. By design, this is a sentencing bill, meaning it applies only to individuals who have been prosecuted and pleaded guilty or were convicted. 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. 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 Governor signed their Survivors' Justice Act into law last year.

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 1872, 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 1872. Thank you for your time and consideration.



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: MARY QUANDT		PHONE NUMBER: 608-333-4429	
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WITNESS NAME			
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WITNESS NAME: PATRICK PURTILL		PHONE NUMBER: 757-903-5224	
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Re: Committee Substitute to HB 1872, the Missouri Survivors' Act

Dear Chairman Jones and Members of the Committee:

We write in strong support of the Committee Substitute to HB 1872, the Missouri Survivors' Act. Patterned after legislation that was enacted in Oklahoma, this legislation would grant judges the discretion to consider prior instances of domestic violence when sentencing victims for crimes that are directly connected to that abuse. If enacted, it would continue to ensure people are held accountable for their actions, while permitting mitigation in sentencing in the interests of justice.

Our Background

Unify.US is engaged in work across the country to strengthen our economy, our families, and our communities. A merger of economic and faith driven conservatives, we were formed by former senior staff of the American Conservative Union (better known as "CPAC") and the Faith & Freedom Coalition.

The founders of Unify.US have more than 50 years of collective experience as grass roots activists. Our team also has a significant record on criminal justice policy. Unify's President, Timothy Head, was formerly the Executive Director of the Faith & Freedom Coalition. Prior to that, Tim was one of the key staffers in the Texas legislature that developed the Justice Reinvestment Initiative, a policy framework that changed the way conservatives have dealt with crime, punishment, and incarceration in 33 states across the country.

David Safavian is Chief Operating Officer of Unify.US. Prior to joining Unify.US, he was the Executive Vice President and General Counsel of CPAC. In addition to his work in the non-profit space, his career has spanned three decades and across all three branches of government. He was a Senate-confirmed appointee in the Bush White House and chief of staff to a member of the Judiciary Committee in the U.S. House of Representatives. He has clerked for a United States magistrate judge and worked as a police officer.

I am Executive Vice President and General Counsel for Unify.US. I spent the last decade as Director of Legislative Affairs for the Faith & Freedom Coalition where I worked with the first Trump Administration to craft and pass the First Step Act. As you know, this legislation was designed to reduce criminal recidivism and promote public safety. Prior to that, I spent three years as Special Assistant to the U.S.

Deputy Attorney General in the George W. Bush Administration where I managed drafting and implementation of regulatory reforms and pilot grant programs to reduce criminal recidivism. I also served on the Attorney General's Prisoner Reentry Working Group, the President's Prisoner Reentry Initiative Group, and the Strategic Management Council's Subcommittee on Violent Crime and Gangs.

Our View on the Missouri Survivors Act

We believe that people must be held accountable for their actions. That accountability manifests itself in a criminal conviction, even when outside influences are directly related to the crime(s) of which a defendant is convicted.

An example is the case of Lisa Moss. Moss was violently abused by her husband. Both she and her minor daughter were raped. Lisa was also tortured with a curling iron. When she mentioned the abuse to her brother, who was under the influence of drugs, he shot and killed Moss' husband. Lisa was convicted of conspiracy to commit murder and sentenced to life without parole in Oklahoma. This was the impetus for the Oklahoma Survivors Act.

Earlier this year, Moss was the first person re-sentenced under the Oklahoma Survivors Act. She was sentenced to time served and is now free. She had been in prison for 34 years.

The Missouri Survivors' Act would have an impact similar to its Oklahoma counterpart. Under the legislation, if domestic abuse was a "substantial and contributing factor" linked to the conviction "by clear and convincing evidence," then it will be considered as a mitigating factor during sentencing. For crimes against the person like homicide or assault, it only applies to crimes where the victim was the defendant's abuser. It is also important to note, this legislation does not require the judge to reduce sentences. The bill would maintain judicial discretion, ensuring that only those with documented evidence of abuse who can demonstrate that the abuse was a significant contributing factor to the crime would be eligible for relief.

We believe the substitute being considered by the Committee strikes the right balance between accountability and punishment. Our only suggestion is that the bill should be amended to also permit mitigation by the sentencing judge for veterans who are charged with crimes directly related to post-traumatic stress disorder or service-related addiction.

Misconceptions about the Missouri Survivors Justice Act

There are a number of misconceptions about the scope of the Missouri Survivors Justice Act.

(1) If it becomes law, the Missouri Survivors' Act would not require any domestic violence survivor to be given a lighter sentence. The language of the bill requires the judge find by clear and convincing evidence "that abuse was a substantial contributing factor to the defendant's criminal liability" if he/she is to mitigate the sentence. The bill also has additional guardrails for "crimes against the person" requiring that the victim in those cases be the abuser whom the defendant was protecting himself/herself against.

(2) Missouri law already has provisions for Battered Spouse Syndrome and self defense but Battered Spouse Syndrome under Missouri law is a narrow defense that requires a psychiatric assessment and diagnosis, which excludes many survivors from its protection. In fact, many psychiatric professionals no longer make this diagnosis referring to it instead as PTSD. Moreover, self-defense laws often do not account for the unique dynamics of ongoing abuse, where the threat is constant and not limited to a single moment of immediate danger. The Missouri Survivors Justice Act would expand the ability of courts to recognize the full context of abuse, ensuring that survivors are held accountable for their actions but not excessively punished for protecting themselves.

(3) Some argue that a jury might take spousal abuse into consideration when deliberating and then the judge would provide a second "benefit" under the Missouri Survivors' Act. To begin with, all charging decisions rest with the prosecutor and nothing would prevent charging of the highest provable offense. While those looking for reasons to oppose the bill have focused on the potential for a runaway jury ignoring instructions, jury nullification is illegal in Missouri. Nothing in this legislation changes the calculus, one way or another, of a jury disregarding instructions and evidence to account for a defendant having been abused. Lastly, judges retain the discretion to mitigate sentences after the threshold of proof by clear and convincing evidence is met.

(4) Some argue domestic abuse should be accounted for in the pre-sentence report. But pre-sentence

reports do not give judges power to impose a downward departure outside of the class ranges established in sentencing guidelines.

Conclusion

Sentencing is a difficult area. It requires balancing retribution, segregation and deterrence with rehabilitation on a case-by-case basis, reflecting the unique nature of each crime. If the system is to be anchored by the twin concepts of fairness and justice, it must have the flexibility to account for those factors outside of a defendant's control that contribute to his/her criminal activities. The Missouri Survivors' Act would help account for a proven history of abuse when a defendant is charged with crimes relating to his/her abuser.

The Missouri Survivors' Act would ensure that sentences reflect the realities of a defendant's abuse and trauma. It would not absolve any defendant of responsibility for their actions. The legislation is also discretionary. Only after a judge determines that the crime is connected to abuse by clear and convincing evidence may a judge consider a downward departure from sentencing guidelines. Nothing requires a judge to do so.

Because the Missouri Survivors' Act balances accountability with justice by providing a degree of discretion in cases of abuse, we strongly support its enactment.

On behalf of Unify.US, thank you for your consideration of our views on this matter. Should you have any questions, please feel free to contact me at: ppurtill@unify.us or (757) 903-5224.

Respectfully submitted,

Patrick D. Purtil
Executive Vice President & General Counsel



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WITNESS NAME		
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WITNESS NAME: RISHARDA PARKER		PHONE NUMBER: 314-367-8373
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: SARAH BERRY		PHONE NUMBER:	
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HB 1872 establishes a framework for sentence mitigation and retroactive resentencing based on a defendant’s history of domestic abuse.

While the policy objective is clear, the statutory structure presents identifiable legal vulnerabilities.

The bill authorizes reopening finalized criminal sentences and imposes a mandatory reclassification scheme that reduces felony levels upon qualifying findings. This approach disrupts the finality of judgments and introduces structural inconsistency into sentencing outcomes.

Additionally, the statute relies on an undefined causation standard—whether domestic abuse was a “substantial contributing factor” to the offense—without articulating a measurable legal threshold. This creates a high risk of inconsistent application across courts.

The evidentiary framework further compounds this issue by permitting a wide range of materials without establishing standards for reliability or weight. As a result, similarly situated defendants may receive materially different outcomes based on the form and presentation of evidence rather than uniform criteria.

Finally, the required reclassification of felony levels removes individualized proportionality analysis tied to the underlying offense conduct, replacing it with a fixed reduction structure.

For these reasons, HB 1872 introduces structural instability into sentencing and presents a credible risk of inconsistent and uneven application.

This analysis is based solely on statutory language and established constitutional doctrine and should not be interpreted as endorsement of any policy position.

This assessment is limited to constitutional structure and does not evaluate policy desirability.

The General Assembly is hereby placed on notice that enactment of this provision may give rise to constitutional challenges under the issues identified above.