

HB 156 -- RELATING TO MURDER

SPONSOR: Gardner

This bill changes the laws regarding penalties for first degree murder when the defendant is under 18 years of age at the time the offense was committed. In its main provisions, the bill:

(1) Requires the courts to sentence a person who was 16 years of age or older at the time of the murder to a term of imprisonment for life without eligibility for probation, parole, or release, or a term of imprisonment for a minimum of 35 years;

(2) Requires the courts to sentence a person who was under 16 years of age at the time of the murder to a term of imprisonment for life without eligibility for probation, parole, or release, or a term of imprisonment for a minimum of 25 years;

(3) Requires a prosecuting or circuit attorney to file a notice of intent after conviction and before sentencing if he or she intends to seek a punishment of imprisonment for life without eligibility for probation, parole, or release;

(4) Requires the trier to consider certain specified factors when determining whether to impose a sentence of life without eligibility for probation, parole, or conditional release; and

(5) Allows any person under 16 years of age sentenced to imprisonment for life without eligibility for probation, parole, or release before the effective date of these provisions for an offense committed when the person was less than 18 years of age whose case is not final for purposes of appeal as of the effective date of these provisions to file, within six months of the effective date of these provisions, a motion with the sentencing court for a hearing to review the person's sentence for murder in the first degree.

If the person pleaded guilty or waived the right to a jury trial when the person was originally sentenced, the sentencing hearing must be heard by a judge. If a jury sentenced the person, a new jury must be selected or a jury may be waived by agreement of both parties. The sole purpose of the sentencing hearing will be to determine if the sentence of imprisonment for life without eligibility for probation, parole, or conditional release must remain or be amended in accordance with these provisions.

The procedures provided under these provisions do not apply to any case that is final for purposes of appeal as of the effective date.

This bill contains an emergency clause.

This bill also changes these provisions in the newly revised criminal code that will take effect on January 1, 2017.