

HOUSE BILL NO. 1046

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HIGDON.

2145H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 558, RSMo, by adding thereto four new sections relating to mandatory minimum sentences.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 558, RSMo, is amended by adding thereto four new sections, to be known as sections 558.400, 558.403, 558.406, and 558.409, to read as follows:

558.400. Sections 558.400 to 558.409 shall be known and may be cited as the "Justice Safety Valve Act".

558.403. Notwithstanding any other provision of law, if sentencing a person convicted of a violation for which there is a mandatory minimum sentence, but which did not:

(1) Include the use, attempted use, or threatened use of serious physical force by the defendant against another person or result in the serious physical injury of another person by the defendant; or

(2) Involve any sexual contact offense by the defendant against a minor, other than an offense involving sexual contact if the victim was at least thirteen years of age or older and the offender was not more than four years older than the victim and the sexual contact was consensual;

the court may depart from the applicable mandatory minimum sentence if the court finds substantial and compelling reasons on the record that, in giving due regard to the nature of the offense, the history and character of the defendant, and his or her chances of successful rehabilitation, imposition of the mandatory minimum sentence would result in

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **substantial injustice to the defendant or the mandatory minimum sentence is not necessary**
17 **for the protection of the public.**

558.406. The provisions of section 558.403 shall not apply if the court finds that:

2 **(1) The individual has a conviction for the same offense during the ten-year period**
3 **prior to the commission of the offense;**

4 **(2) The individual intentionally used a firearm in a manner that caused physical**
5 **injury during the commission of the offense; or**

6 **(3) The individual was the leader, manager, or supervisor of others in a continuing**
7 **criminal enterprise.**

558.409. Upon departing from mandatory minimum sentences, judges shall report
2 **to the sentencing advisory commission, which shall, one year following the enactment of**
3 **this section and annually thereafter, make available in electronic form and on the internet**
4 **a report as to the number of departures from mandatory minimum sentences made by each**
5 **judge in the state.**

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