

HOUSE BILL NO. 2390

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KIRKTON.

5936H.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 565.020, RSMo, and to enact in lieu thereof one new section relating to juvenile sentencing upon a first degree murder conviction, with a penalty provision.

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

Section A. Section 565.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 565.020, to read as follows:

565.020. 1. A person commits the crime of murder in the first degree if he knowingly causes the death of another person after deliberation upon the matter.

2. Murder in the first degree is a class A felony, and the punishment shall be either death or imprisonment for life without eligibility for probation or parole, or release except by act of the governor[; except that, if a person has not reached his sixteenth birthday at the time of the commission of the crime, the punishment shall be imprisonment for life without eligibility for probation or parole, or release except by act of the governor].

3. (1) For any person seventeen years of age or under at the time of the commission of the crime, the punishment shall be as provided in subdivision (2) of this subsection.

(2) Fifteen years after a conviction of murder in the first degree by an individual seventeen years of age or under at the time of the commission of the crime, a court shall review such individual's case. In such review, experts approved by the court shall make determinations whether such individual has been adequately rehabilitated while incarcerated. If such experts determine adequate rehabilitation has not occurred, the court shall find that the individual shall remain incarcerated and his or her case may be reviewed again in five years. When it has been determined that adequate rehabilitation has occurred, such individual may be eligible for release.

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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.