

HCS HB 2459 -- FIRST DEGREE MURDER

SPONSOR: Dogan

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 7 to 0.

Currently, if a jury cannot decide or agree upon a defendant's punishment upon conviction of first degree murder, the jury is instructed that the court shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the Governor or death. This bill removes death as an option for the court to declare as punishment in cases where the jury cannot decide or agree upon the punishment.

PROPOSERS: Supporters say that this just removes a judge's ability to sentence a person to death when there is a hung jury. Instead, the judge will be limited to sentencing the person to life without parole. People should be sentenced to death by a jury of their peers rather than one single person. A jury is the hallmark of our judicial system, and a single judge should not decide that someone deserves the death penalty if 12 jurors are unable to agree. It is easy for judges to feel pressure to sentence individuals to death as it is the only way for those judges to advance politically. Missouri and Indiana are the only two states that allow judicial override for the death penalty.

Testifying for the bill were Representative Dogan; Michael A. Wolff; George Ball; Greg Mermelstein, Missouri Public Defender; Missouri Association of Criminal Defense Lawyers; Missouri Catholic Conference; and Staci Pratt, Missourians for Alternatives to the Death Penalty.

OPPOSERS: The witness went on record in opposition of the legislation.

Testifying against the bill was the Missouri Association of Prosecuting Attorneys.