

HB 3 -- FELONY MURDER SENTENCES

SPONSOR: Washington

The bill amends the second degree murder statute, Section 565.021, RSMo, specifying that a person commits the offense of murder in the second degree if he or she:

(1) Actually caused a death during perpetration or attempted perpetration of a felony;

(2) With the intent to cause the death of another person, aided, abetted, counseled, commanded, induced, solicited, requested, or assisted a person to cause the death of another person; or

(3) Was a major participant and acted with reckless indifference to human life in the underlying felony that resulted in the death of another person.

The bill specifies what the court must consider when determining whether a person was a major participant in the underlying felony.

This bill also specifies that a person convicted of felony murder under Section 565.021, RSMo, as it existed prior to the effective date of changes to it made by this bill, may file a petition in the court in which he or she was sentenced to have the conviction vacated and to be re-sentenced when certain conditions apply. The court must review the petition and determine whether the petitioner is eligible for re-sentencing. If the person shows that, at first glance, he or she is entitled to relief, the court must issue an order to show cause and, within 60 days after the order is issued, the court must hold a hearing to determine whether to vacate the murder conviction and re-sentence the person. A person who is re-sentenced under this section will be given credit for time served. A condition of parole may be applied for up to three years following completion of a new sentence.

This bill is similar to HB 2522 (2020).