

HB 530 -- CRIMINAL OFFENSES

SPONSOR: Evans

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Judiciary by a vote of 11 to 0. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 12 to 0.

This bill specifies that a court shall be obligated to charge the jury with respect to an included offense only if it is established by proof of the same or less than all the elements required to establish the commission of the offense charged, there is a rational basis in the evidence for a verdict acquitting the person of the offense charged and convicting the person of the included offense, and either party requests the court to charge the jury with respect to a specific included offense.

Failure of the defendant or defendant's counsel to request the court to charge the jury with respect to a specific included offense shall not be a basis for plain-error review on direct appeal or post-conviction relief. It shall be the trial court's duty to determine if a rational basis in the evidence for a verdict exists.

This bill is the same as HB 2642 (2020) and similar to HCS HB 1065 (2019).

PROPOSERS: Supporters say that jury instruction on how juries are instructed in criminal cases needs work. The intent of this bill is to provide clarification on jury instructions. Any offense with elements that fit under the charged offense would be a lesser included offense. Current law just says there needs to be a basis for instructing on the lesser included offenses, but it should be something more of a clarification for when to instruct on lesser included. This bill says it should be instructed when there is a rational basis to do so.

Testifying for the bill were Representative Evans; and Locke Thompson, Missouri Association of Prosecuting Attorneys.

OPPOSERS: Testifying against the bill were Missouri Association of Criminal Defense Lawyers; and Arnie Dienoff.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.