

SECOND REGULAR SESSION

# SENATE BILL NO. 748

99TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR EMERY.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

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## AN ACT

To amend chapter 558, RSMo, by adding thereto one new section relating to minimum prison terms.

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

Section A. Chapter 558, RSMo, is amended by adding thereto one new  
2 section, to be known as section 558.400, to read as follows:

**558.400. 1. This section shall be known and may be cited as the  
2 "Justice Safety Valve Act".**

**3 2. Notwithstanding any other provisions of law to the contrary,  
4 when sentencing a defendant found guilty of an offense for which there  
5 is a statutory minimum sentence, but which did not:**

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

**9 (2) Involve any sexual conduct, as defined in section 566.010, by  
10 the defendant against a minor, other than an offense involving sexual  
11 conduct if the victim was at least fourteen years of age or older and the  
12 defendant was not more than four years older than the victim and the  
13 sexual conduct was consensual; or**

**14 (3) Include the brandishing or discharge of a firearm by the  
15 defendant;**

**16 the court may depart from the applicable statutory minimum sentence  
17 if the court finds substantial and compelling reasons on the record that,  
18 in giving due regard to the nature of the offense, the history and  
19 character of the defendant, and his or her changes of successful  
20 rehabilitation, imposition of the statutory minimum sentence is not**

21 **necessary for the protection of the public.**

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