

## How Does it Work, and Who is Eligible? The Justice Safety Valve Act: HB 113 (Rep. C. Smith)/SB 8 (Sen. Emery)

The **Justice Safety Valve Act** is a smart sentencing solution to Missouri’s rising prison population and prison-related costs. The bills will cut the prison population and associated costs by granting judges discretion to sentence defendants below the applicable minimum term on a case-by-case basis. This bill will not fling open the prison doors or eliminate minimum sentencing requirements. Rather, it will ensure that minimum prison terms do not produce unjust results that do not make Missouri safer. Offenders are **not** eligible for the safety valve if their offenses:

- Included the use, attempted use, or threatened use of serious physical force against another person;
- Resulted in serious physical injury to another person;
- Involved any sexual offense by the defendant against a minor, except if the victim was 14 years old or older and the defendant was not more than 4 years older than the victim, and the sexual conduct was consensual; or
- Included the brandishing or discharge of a firearm by the defendant.

Additionally, to use the safety valve, a judge must find that the applicable minimum sentence would result in substantial injustice to the defendant or is not necessary to protect the public.

The below table provides examples of offenses in each felony class that are safety valve-eligible, and those that are not.

Felony Class	Eligible	Not Eligible
Class A 10-30 years	<ul style="list-style-type: none"> <li>• Certain first degree drug trafficking offenses</li> <li>• Delivery of a controlled substance in protected location</li> </ul>	<ul style="list-style-type: none"> <li>• First degree assault</li> <li>• Second degree murder</li> <li>• First degree kidnapping</li> <li>• First degree robbery</li> </ul>
Class B 5-15 years	<ul style="list-style-type: none"> <li>• Certain first degree drug trafficking offenses</li> <li>• Theft of \$25,000 or more</li> <li>• Habitual DWI</li> </ul>	<ul style="list-style-type: none"> <li>• First degree burglary</li> <li>• First degree child molestation</li> <li>• Unlawful use of a weapon</li> <li>• Second degree robbery</li> </ul>
Class C 3-10 years	<ul style="list-style-type: none"> <li>• Second degree drug trafficking offense</li> <li>• Second degree burglary</li> <li>• Forgery</li> <li>• Chronic DWI</li> </ul>	<ul style="list-style-type: none"> <li>• Second degree domestic assault</li> <li>• Involuntary manslaughter while operating a vehicle under the influence</li> <li>• Second degree assault</li> </ul>