



June 2, 2020

Governor Mike Parson
PO Box 720
Jefferson City, MO 65102

Dear Governor Parson:

On behalf of our respective organizations, we respectfully urge you to veto Senate Bill 600. Though well-intended, S.B. 600 takes a flawed approach to combating crime by requiring disproportionate and discredited methods that are unlikely to make Missourians safer, but which will cost taxpayers and communities dearly.

S.B. 600's harsh sentencing requirements are not needed to effectively prosecute serious crimes, but they will irresponsibly burden Missouri taxpayers at a time when everyone is tightening their belts. It's estimated that S.B. 600 will come with an annual price as high as \$16 million per year in extra incarceration costs.¹ Given projections that S.B. 600 would increase Missouri's prison population by over 2,500, the bill could make recent warnings that the state may be forced to spend nearly \$500 million on two new prisons a budget-crippling reality.² As taxpayer-conscious organizations, we share serious concerns about S.B. 600's fiscal impacts.

While people who commit crimes should be held accountable, our justice system should use its limited resources as effectively as possible to protect public safety. For its hefty monetary price-tag, S.B. 600 does not reflect the best evidence about crime deterrence and prevention. A large body of research indicates that sentence lengths alone have little-to-no relationship to crime deterrence and recidivism.³ Incarcerated individuals' ages of release or someone's certainty of capture and punishment are stronger measures of recidivism and deterrence.⁴ Requiring judges to sentence people to longer prison terms, regardless of their individual circumstance or the facts of the case, won't improve public safety, but it will break up families, crowd prisons, and harm taxpayers. To best deter the crimes S.B. 600 seeks to prevent, Missouri should focus its resources on solving more crimes, not paying for longer sentences.

Further, prosecutors already have the tools they need to hold people accountable for serious crimes without S.B. 600's costly and ineffective sentence enhancements:

- Missouri law enforcement can already charge those who hijack vehicles with robbery and vehicle theft. Where deadly weapons are used, prosecutors can already employ the "Armed Criminal Action" statute. Reaching higher violent crime clearance rates will better deter carjacking, not simply creating a new offense with longer sentences.
- The conspiracy offense is already prosecutable. Undermining specific intent requirements raises important due process concerns. While currently barred, S.B. 600 would allow prosecutors to simultaneously charge people with both conspiracies and successful criminal actions, creating stacked punishments for essentially the same criminal activity.

¹ S.B. 600 [Fiscal Note](#). February 19, 2020.

² Ibid, [Justice Reinvestment in Missouri](#). Council of State Governments Justice Center, 2018.

³ Aaron Chalfin and Justin McCrary, "[Criminal Deterrence: A Review of the Literature](#)." *Journal of Economic Literature*, 2017.

⁴ Rolf Loeber and David Farrington, "[Age-Crime Curve](#)." *Encyclopedia of Criminology and Criminal Justice*. 2014; Valerie Wright, "[Deterrence in Criminal Justice](#)." *The Sentencing Project*. 2010.

- Unlawfully possessing a firearm is already prosecutable. Requiring more severe Class C felony punishment for such possession has little deterrent value and is inappropriate for an offense that does not reflect any proven intent to use such weapons to aid a crime.
- S.B. 600 eliminates probation possibilities as part of any sentence for someone convicted of 2nd degree murder. While this is undoubtedly a serious crime, Missouri’s broad felony-murder rule allows people such as accomplices to be charged for murders they neither committed nor intended. S.B. 600 handcuffs judges’ discretion by denying the possibility of alternative sanctions in situations where they may benefit public safety more than a lengthy prison sentence.
- Finally, S.B. 600 takes the wrong approach on street gangs. Prosecutors can already charge street gang members for crimes they commit, and research on gang formation and prevention suggests that tax dollars are more cost-effective when invested in community prevention and gang intervention strategies, reserving harsher suppression for repeat offenders.⁵ Simply defining more people as gang members and more actions as gang activity, with accompanying mandatory minimums, is a blunt approach. Gang-related mandatory minimums tie judge’s hands. Not every gang member holds a leadership role, has the same reasons for membership (some being coerced through threats of violence, for example), nor the same potential for successful intervention and rehabilitation. The law should not treat them all the same.

Our organizations believe that our justice system is best equipped to keep us safe when it follows smart-on-crime strategies that are soft-on-taxpayers. S.B. 600’s embrace of mandatory minimums doubles down on failed strategies of past decades and will not make Missouri safer, while irresponsibly burdening budgets and needlessly harming communities. We urge you to embrace evidence-based crime prevention by vetoing Senate Bill 600.

Sincerely,

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⁵ James C. Howell, [Gang Prevention: An Overview of Research and Programs](#). Department of Justice, 2010.