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May 16, 2023

Dear Gov. Parson,

On behalf of the R Street Institute—a nonprofit, nonpartisan, public policy research organization whose mission is to engage in policy research and outreach to promote free markets and limited, effective government—we write in support of three particular provisions of SB 189. Our criminal justice and civil liberties team is guided by principles which prioritize public safety, due process, individual liberty and fiscal responsibility. This is why three provisions that advance these principles are of particular interest to us: 1) prohibiting arrest warrants for traffic citations; 2) eliminating the sentencing disparity between crack and powder cocaine; and 3) raising the age juveniles can be transferred to adult court.

First, SB 189 gives Missouri citizens a chance to settle outstanding traffic tickets without becoming unnecessarily entangled in the criminal justice system, which too often uses limited resources on nonviolent individuals instead of focusing on addressing violent crime. Under this reform, such individuals would not have a bench warrant issued for their arrest or have their license suspended or denied renewal. Instead, the system would factor ability to pay and grounds for waiving into decisions around enforcement and rely on other mechanisms for ensuring compliance. This promotes public safety and individual prosperity because losing access to transportation due to nonpayment exacerbates an individual's inability to maintain stable employment and fulfill their financial obligations.¹ Without transportation, people are forced to choose between driving on a suspended license and the job needed to pay those fines and support their families.²

Second, Missouri remains one of only eight states that has not yet closed the gap between sentences for crack cocaine and sentences for powder cocaine.³ Despite sharing an identical chemical composition, the sentence for selling a single ounce of crack cocaine is the same as selling more than a pound of powder cocaine in Missouri—one of the widest disparities in the country. It is a self-evident injustice akin to treating the theft of a \$100 shirt the same as a \$2000 laptop. This disconnect has done nothing to reduce drug use or stymie violent crime associated with illegal drug markets, but does much to harm certain communities disproportionately.⁴ SB 189 fixes this by ensuring the same substances come with the same penalties and that those incarcerated are not held for longer than is necessary to ensure public safety for all citizens and due justice for any harmed by the crime.

Lastly, the provision of SB 189 that would raise the age at which juveniles can be transferred to adult court from 12 to 14 complements the initiatives discussed above and enhances their benefits. “Raise the age” reforms recognize that the adult justice system is not well equipped to handle very young children. Forcing it to do so comes at the detriment of public safety by failing to provide the rehabilitation



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necessary to prevent later criminal behavior into adulthood. Further, most children under 14 do not meet the competency standard established by the U.S. Supreme Court, because they lack the cognitive capacity to participate in their own defense.⁵ Multiple court cases have held that, compared to adults, children have lower levels of culpability and higher prospects for rehabilitation.⁶ SB 189 also reflects the reality that very few cases involving children under 14 are handled in adult court in Missouri in the first place. In fact, there were zero instances of 12- or 13-year-olds in Missouri being charged in adult court during all of 2020.⁷

Overall, SB 189—the product of bipartisan input, negotiations and understanding—significantly improves Missouri’s justice system. We thank the legislative champions behind each of the provisions we discussed for standing up for smart-on-crime policies that empower individuals and protect public safety. Giving people a fair chance to settle traffic offenses, eliminating overt sentencing disparities between crack and powder cocaine, and raising the age at which kids can be charged as adults are all policy changes that align with the R Street’s mission of limited, effective government. These provisions of SB 189 mark significant steps toward a justice system that is fairer and more efficient, which will make a positive impact on the lives of Missouri’s citizens now and in years to come. Thank you for considering our research and input on this matter.

Sincerely,

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¹ Jake Horowitz, “Policy Reforms Can Strengthen Community Supervision: A framework to improve probation and parole,” Pew Charitable Trusts, April 23, 2020. <https://www.pewtrusts.org/en/research-and-analysis/reports/2020/04/policy-reforms-can-strengthen-community-supervision>.

² Christi M. Smith, “Debt-based license suspensions: Drivers of poverty and incarceration,” *R Street Policy Study* No. 254, April 18, 2022. <https://www.rstreet.org/research/debt-based-license-suspensions-drivers-of-poverty-and-incarceration>.

³ Maria Goellner, and Jeremy Cady, “It’s time to fix Missouri’s cocaine disparity,” *St. Louis Post-Dispatch*, April 20, 2023. https://www.stltoday.com/opinion/columnists/goellner-and-cady-it-s-time-to-fix-missouris-cocaine-disparity/article_e3a12cb0-defc-11ed-b643-2b27183d85ab.html.

⁴ Jillian Snider, “Undoing the Damage of the War on Drugs: A Renewed Call for Sentencing Reform,” R Street Institute, June 17, 2021. <https://www.rstreet.org/outreach/undoing-the-damage-of-the-war-on-drugs-a-renewed-call-for-sentencing-reform>; “Quick Facts: Crack Cocaine Trafficking Offenses,” United States Sentencing



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Commission, 2020. https://www.ussc.gov/sites/default/files/pdf/research-and-publications/quick-facts/Crack_Cocaine_FY20.pdf.

⁵ *Dusky v. United States*, U.S. Supreme Court, April 18, 1960.

<https://supreme.justia.com/cases/federal/us/362/402>; Mariam Arain et al., “Maturation of the adolescent brain,” *Neuropsychiatric Disease and Treatment* 9 (April 3, 2013), pp. 449-461.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3621648>.

⁶ “Overview of US Supreme Court Decisions,” Juvenile Sentencing Project, last accessed May 10, 2023.

<https://juvenilesentencingproject.org/us-supreme-court-decisions>.

⁷ Court Business Services Division, Research Section, and Juvenile and Adult Programs Resources and Support Unit, “*Missouri Juvenile & Family Division Annual Report*,” Missouri Courts Judicial Branch of Government, 2020.

<https://www.courts.mo.gov/file.jsp?id=59716>.