

FIRST REGULAR SESSION

# SENATE BILL NO. 223

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

Pre-filed January 7, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0873S.02I

## AN ACT

To repeal section 565.021, RSMo, and to enact in lieu thereof one new section relating to the offense of murder in the second degree.

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

Section A. Section 565.021, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 565.021, to read as follows:

565.021. 1. A person commits the offense of murder in the second degree if he or she:

(1) Knowingly causes the death of another person or, with the purpose of causing serious physical injury to another person, causes the death of another person; [or]

(2) Commits or attempts to commit any felony, and, in the perpetration or the attempted perpetration of such felony or in the flight from the perpetration or attempted perpetration of such felony, another person is killed as a result of the perpetration or attempted perpetration of such felony or immediate flight from the perpetration of such felony or attempted perpetration of such felony; or

**(3) Knowingly manufactures, delivers, or distributes a Schedule I or II controlled substance, as described in section 195.017 and regulations promulgated by the department of health and senior services and excluding marijuana for medical use as authorized by article XVI of the Missouri Constitution, in violation of chapters 195 or 579, and such controlled substance thereafter is the proximate cause of the death of another person who uses or consumes such controlled substance. It shall not be a defense that the defendant did not directly deliver or distribute the controlled substance to the decedent.**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

20           2. The offense of murder in the second degree is a class A felony, and the  
21 punishment for second degree murder shall be in addition to the punishment for  
22 commission of a related felony or attempted felony, other than murder or  
23 manslaughter.

24           3. Notwithstanding section 556.046 and section 565.029, in any charge of  
25 murder in the second degree, the jury shall be instructed on, or, in a jury-waived  
26 trial, the judge shall consider, any and all of the subdivisions in subsection 1 of  
27 this section which are supported by the evidence and requested by one of the  
28 parties or the court.

Unofficial

Bill

Copy