

SECOND REGULAR SESSION

HOUSE BILL NO. 1989

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COLEMAN (97).

3685H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 565.003, RSMo, and to enact in lieu thereof one new section relating to the necessary mental state for a homicide offense.

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

Section A. Section 565.003, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 565.003, to read as follows:

565.003. 1. **(1)** The culpable mental state necessary for a homicide offense may be found to exist if the only difference between what actually occurred and what was the object of the offender's state of mind is that a different person or persons were killed.

(2) It is no defense to a homicide charge that the identity of the person the offender intended to kill cannot be established. If the state proves beyond a reasonable doubt that the offender had the requisite mental state toward a specific person or a general class of persons who are not identified or who are not identifiable, such intent shall be transferred to a person who is killed by the offender while such mental state existed.

2. The length of time which transpires between conduct which results in a death and is the basis of a homicide offense and the event of such death is no defense to any charge of homicide.

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EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.