

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

# SENATE BILL NO. 227

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

0953S.02P

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 565.003, RSMo, and to enact in lieu thereof one new section relating to the culpable mental state necessary 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Section A. Section 565.003, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 565.003,  
3 to read as follows:

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

6 **(2) It shall not be a defense to a homicide charge**  
7 **that the identity of the person the offender intended to**  
8 **kill cannot be established. If the state proves beyond a**  
9 **reasonable doubt that the offender had the requisite mental**  
10 **state toward a specific person or a general class of persons**  
11 **who are not identified or who are not identifiable, such**  
12 **intent shall be transferred to a person who is killed by the**  
13 **offender while such mental state existed.**

14 2. The length of time which transpires between conduct  
15 which results in a death and is the basis of a homicide

16 offense and the event of such death is no defense to any  
17 charge of homicide.

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