

FIRST REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 227

102ND GENERAL ASSEMBLY

2023

0953S.02T

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Section A. Section 565.003, RSMo, is repealed and one new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.

**(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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