

FIRST REGULAR SESSION

# HOUSE BILL NO. 526

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES RUESTMAN (Sponsor), WILSON (130), WASSON, CUNNINGHAM (145), THRELKELD, DEEKEN, CHINN, BROWN (30) AND PHILLIPS (Co-sponsors).

Read 1<sup>st</sup> time February 10, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1329L.02I

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### AN ACT

To repeal section 565.024, RSMo, and to enact in lieu thereof one new section relating to involuntary manslaughter, with penalty provisions.

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

Section A. Section 565.024, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 565.024, to read as follows:

565.024. 1. A person commits the crime of involuntary manslaughter in the first degree if he:

(1) Recklessly causes the death of another person; or

(2) While in an intoxicated condition operates a motor vehicle in this state and, when so operating, acts with criminal negligence to cause the death of any person.

2. Involuntary manslaughter in the first degree is a class C felony.

3. A person commits the crime of involuntary manslaughter in the second degree if he acts with criminal negligence to cause the death of any person.

4. Involuntary manslaughter in the second degree is a class D felony.

**5. If a person commits the crime of involuntary manslaughter pursuant to subdivision (2) of subsection 1 of this section, it is a class A felony if at least one of the following conditions exist:**

**(1) Such individual has a blood alcohol level that is at least one and one half times the legal limit established in section 577.012, RSMo, while operating the vehicle; or**

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.

15           **(2) A fatality occurs as a result of the person's vehicle leaving a highway, as defined**  
16 **by section 301.010, RSMo, or its right-of-way.**