

SECOND REGULAR SESSION

HOUSE BILL NO. 2119

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ROORDA (Sponsor), BRUNS, DARROUGH, MEADOWS,
HARRIS (110), NASHEED, CASEY, BROWN (50) AND RUZICKA (Co-sponsors).

Read 1st time February 13, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4728L.01I

AN ACT

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

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Section A. Section 565.024, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 565.024, to read as follows: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

(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; or

(3) While in an intoxicated condition operates a motor vehicle in this state, and, when so operating, acts with criminal negligence to:

(a) Cause the death of any person not a passenger in the vehicle operated by the defendant, including the death of an individual that results from the defendant's vehicle leaving a highway, as defined by section 301.010, RSMo, or the highway's right-of-way; or

(b) Cause the death of two or more persons; or

(c) Cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person's blood; 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.

14 (4) Operates a motor vehicle in violation of subsection 2 of section 304.022, RSMo, and
15 when so operating, acts with criminal negligence to cause the death of any person authorized to
16 operate an emergency vehicle, as defined in section 304.022, RSMo, while such person is in the
17 performance of official duties.

18 **(5) Unlawfully distributes or delivers any controlled substance to any person and**
19 **that person's injection, inhalation, or ingestion of the controlled substance causes that**
20 **person's death.**

21 **2. For purposes of this section, the act of distributing or delivering a controlled**
22 **substance is the cause of death when the injection, inhalation, or ingestion of the substance**
23 **is an antecedent but for which the death would not have occurred and the death was not**
24 **too remote in its occurrence as to have a just bearing on the defendant's liability or too**
25 **dependent upon conduct of another person which was unrelated to the injection,**
26 **inhalation, or ingestion of the substance or its effect as to have a just bearing on the**
27 **defendant's liability.**

28 [2.] **3.** Involuntary manslaughter in the first degree under subdivision (1) [or], (2), **or (5)**
29 of subsection 1 of this section is a class C felony. Involuntary manslaughter in the first degree
30 under subdivision (3) of subsection 1 of this section is a class B felony. A second or subsequent
31 violation of subdivision (3) of subsection 1 of this section is a class A felony. For any violation
32 of subdivision (3) of subsection 1 of this section, the minimum prison term which the defendant
33 must serve shall be eighty-five percent of his or her sentence. Any violation of subdivision (4)
34 of subsection 1 of this section is a class B felony.

35 [3.] **4.** A person commits the crime of involuntary manslaughter in the second degree if
36 he acts with criminal negligence to cause the death of any person.

37 [4.] **5.** Involuntary manslaughter in the second degree is a class D felony.

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