

HCS HB 676 -- MURDER IN THE FIRST DEGREE

SPONSOR: Coleman (97)

COMMITTEE ACTION: Voted "Do Pass with HCS by Consent" by the Standing Committee on Judiciary by a vote of 11 to 0. Vote "Do Pass- Consent" by the Standing Committee on Consent and House Procedure by a vote of 9 to 0.

The following is a summary of the House Committee Substitute for HB 676.

This bill specifies that 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.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that they want to make it abundantly clear for prosecutors that they can charge for first degree murder when the target of the murderer is not a specific person identified in advance, and transferred intent should still apply. A murderer who does not care who he or she murders is more of a threat to society than a murderer who has a targeted victim. Transferred intent should apply under the current statute but this language makes it abundantly clear that it should apply.

Testifying for the bill were Representative Coleman; Bridget; Cora Culli; Denise S. Downing; Doug Tarrant; Jamie Hamilton; Jessica Hatfield; Joseph Jeremy Rother; Joyce Bono; Kristy Hebert; Patricia A. Marley; Richard H Wright; Robert Marley; Susan Culli; Wanda Fox; Charles J Marley; Cindy Andrews; and the Missouri Association of Prosecuting Attorneys/Missouri Office Prosecution Services.

OPPONENTS: Those who oppose the bill submitted written testimony, which can be found online.

Testifying against the bill were Nimrod Chapel, Jr., Missouri State Conference of The NAACP; Missouri Catholic Conference; and Arnie C. Dienoff.

OTHERS: Others testifying on the bill say that they are opposed to

the original language but are taking a neutral position based on the substitute that has been circulated.

Testifying on the bill were Elyse Max, Missourians For Alternatives To The Death Penalty; Randy Scherr, Missouri Association Of Criminal Defense Lawyers.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.