

SS SB 227 -- CULPABLE MENTAL STATE NECESSARY FOR A HOMICIDE
OFFENSE

SPONSOR: Coleman (Evans)

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on
Judiciary by a vote of 13 to 0. Voted "Do Pass" by the Standing
Committee on Rules- Regulatory Oversight by a vote of 9 to 0.

Currently, the culpable mental state necessary to prove a homicide offense is found to exist if the only difference between what actually occurred and what was the object of the offender's state of mind is that a different person or people were killed. This bill adds that it shall not be a 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.

PROPONENTS: Supporters say that the state is inconsistently applying the death penalty and it should not be that just because the identity of a targeted victim cannot be deduced, that transferred intent should not apply. Some people choose victims at random even when murder is premeditated.

Testifying in person for the bill was Senator Coleman.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under "House Testimony on Senate Bills" on the House website.