

SS SB 227 -- CULPABLE MENTAL STATE NECESSARY FOR HOMICIDE

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.