

HCS HB 2700 -- CRIMINAL PROCEEDINGS

SPONSOR: Copeland

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 10 to 1 and 1 voting Present. Voted "Do Pass" by the Standing Committee on Rules- Regulatory Oversight by a vote of 8 to 0.

This bill modifies the offense of delivery of a controlled substance to add that a person commits the offense if he or she knowingly distributes or delivers a schedule I or schedule II controlled substance and great bodily harm or death results from the use of the controlled substance. The offense is a class B felony if the delivery or distribution of a schedule I or schedule II controlled substance results in great bodily harm from the use of the controlled substance and a class A felony if a death results from such use. It is not a defense under these provisions that the user contributed to her or her own great bodily harm or death by using the controlled substance or consenting to the administration of the controlled substance by another.

This bill further modifies provisions relating to criminal proceedings. Please see the Summary Sheet for a detailed list of the additional language added in the committee version of the House bill.

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

PROPOSERS: Supporters say that this is an enhancement bill. The bill simply says that if someone knowingly sells a schedule I or schedule II controlled substance and serious physical injury or death results, the penalty is enhanced.

Testifying in person for the bill were Representative Copeland and Ward Cook, Missouri Prosecuting Attorney's Association.

OPPOSERS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that "great bodily harm" is not defined in statute but "serious physical injury," "physical injury," and "serious emotional injury" are all defined. One of the obstacles to prosecuting now is the defense that users contributed to their own injury or death. This bill removes that defense. Others suggest looking at changing the threshold of the offense to a person under 18 instead of under 17, since the age for being considered a minor was raised to 18.

Testifying in person on the bill was Amy Fite, Missouri Office of Prosecuting Services.

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