

HB 2889 -- DELIVERY OF A CONTROLLED SUBSTANCE CAUSING DEATH

SPONSOR: Pollitt

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Crime and Public Safety by a vote of 14 to 0.

Currently, the offense of delivery of a controlled substance causing death contains the element that the person who commits the offense knows that the controlled substance is mixed with another controlled substance. This bill removes that element.

PROPOSERS: Supporters say that this removes the requirement that a person who distributed drugs knew that the drugs were mixed with other substances because that is almost impossible to prove. This change will help the prosecution prosecute cases. Local police do not investigate drug deaths; it seems the DEA is the only agency that actually investigates. They don't want to investigate crimes because now there's a requirement that the person knows the substance is mixed, so they know they will lose. A delivery of a controlled substance that causes a death is second degree murder, so this should be treated like that. The loophole is allowing drug dealers to get away with murder. At least 10,000 Missourians have lost their lives to illicit substance poisoning. In 2023, over 40 children under the age of five died from accidental substance poisoning in Missouri. Many jurisdictions do not investigate these deaths because they see the victim as culpable. One of the tactics of dealers is to groom young people to give drugs away for free so they gain new customers.

Testifying in person for the bill were Representative Pollitt; James Willfred; Laura S. Woody; and Arnie C. Dienoff.

OPPOSERS: 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 Testimony on the bill page on the House website.