



MISSOURI HOUSE OF REPRESENTATIVES  
**WITNESS APPEARANCE FORM**

BILL NUMBER: <b>HB 2358</b>		DATE: <b>1/20/2026</b>	
COMMITTEE: <b>Crime and Public Safety</b>			
<b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>ARNIE C. AC "HONEST-ABE" DIENOFF-STATE PUBLIC ADVO</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: <b>In-Person</b>	SUBMIT DATE: <b>1/20/2026 11:58 PM</b>	
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			



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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>SARAH BERRY</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>1/17/2026 2:38 PM</b>	
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I oppose HB 2358.

This bill attempts to address the real tragedy of overdose deaths, but it does so by expanding criminal liability in a way that is neither just nor effective, and that risks compounding harm rather than preventing it.

HB 2358 imposes a Class A felony—the most severe criminal penalty in Missouri—without requiring proof of intent to cause death, foreseeability, or proximate causation beyond the mere fact that a death occurred. By explicitly eliminating the user’s contribution as a defense, the bill collapses complex medical, behavioral, and public-health realities into a single punitive outcome.

This approach raises serious concerns:

It abandons proportional justice.

A Class A felony traditionally reflects the most blameworthy conduct. This bill applies that punishment without distinguishing between large-scale traffickers, low-level distributors, shared use among peers, or individuals struggling with addiction themselves.

It undermines due process principles. By removing contributory causation as a defense, the statute shifts criminal liability away from individual conduct and toward outcome alone—regardless of intervening factors such as dosage, tolerance, polysubstance use, or delayed medical response.

It actively discourages lifesaving intervention. People will be less likely to call for help, cooperate with emergency responders, or seek treatment if doing so risks a Class A felony prosecution tied to an unpredictable medical outcome.

It substitutes punishment for treatment.

Missouri’s overdose crisis is not caused by a lack of harsh penalties.

It is driven by untreated addiction, contaminated drug supply, and barriers to care.

This bill addresses none of those root causes.

**There is a moral difference between holding people accountable and using tragedy as a blunt instrument of punishment.**

**Laws should deter wrongdoing while preserving fairness, proportionality, and the basic principles of justice. HB 2358 fails that test.**

**If the General Assembly seeks to reduce overdose deaths, it should invest in treatment access, harm-reduction strategies, and targeted enforcement against high-level trafficking—not expand felony murder-style liability in a way that risks ensnaring the very people we claim to be trying to save.**

**For these reasons, I respectfully urge the committee to oppose HB 2358.**

**In defense of life, justice, and the public interest,  
Rev. Sarah M. Berry**