

FIRST REGULAR SESSION

# SENATE BILL NO. 37

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR NODLER.

Pre-filed December 1, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

0041S.03I

## AN ACT

To repeal section 565.024, RSMo, and to enact in lieu thereof one new section relating to involuntary manslaughter, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 565.024, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 565.024, to read as follows:

565.024. 1. A person commits the crime of involuntary manslaughter in the first degree if he:

(1) Recklessly causes the death of another person; or

(2) While in an intoxicated condition operates a motor vehicle in this state and, when so operating, acts with criminal negligence to cause the death of any person.

2. Involuntary manslaughter in the first degree is a class C felony.

3. A person commits the crime of involuntary manslaughter in the second degree if he acts with criminal negligence to cause the death of any person.

4. Involuntary manslaughter in the second degree is a class D felony.

**5. If a person commits the crime of involuntary manslaughter pursuant to subdivision 2 of subsection 1 of this section, it is a class A felony if at least one of the following conditions exist:**

(1) **Such individual has a blood alcohol level that is at least one and one half times the legal limit established in section 577.012, RSMo, while operating the vehicle; or**

(2) **A fatality occurs as a result of the person's vehicle leaving a highway, as defined by section 301.010, RSMo, or its right-of-way.**

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