

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill No. 37, Page 1, Section Title, Lines 3-4

2 of said title, by striking "the offense of promoting
 3 prostitution" and inserting in lieu thereof the following:
 4 "certain crimes against the person"; and

5 Further amend said bill and page, section A, line 3 of said
 6 page, by inserting after all of said line the following:

7 "565.021. 1. A person commits the offense of murder in the
 8 second degree if he or she:

9 (1) Knowingly causes the death of another person or, with
 10 the purpose of causing serious physical injury to another person,
 11 causes the death of another person; [or]

12 (2) Commits or attempts to commit any felony, and, in the
 13 perpetration or the attempted perpetration of such felony or in
 14 the flight from the perpetration or attempted perpetration of
 15 such felony, another person is killed as a result of the
 16 perpetration or attempted perpetration of such felony or
 17 immediate flight from the perpetration of such felony or
 18 attempted perpetration of such felony; or

19 (3) Knowingly manufactures, delivers, or distributes a
 20 Schedule I or II controlled substance, as described in section
 21 195.017 and regulations promulgated by the department of health
 22 and senior services and excluding marijuana for medical use as
 23 authorized by article XVI of the Missouri Constitution, in
 24 violation of chapters 195 or 579, and such controlled substance

1 thereafter is the proximate cause of the death of another person
2 who uses or consumes such controlled substance. It shall not be
3 a defense that the defendant did not directly deliver or
4 distribute the controlled substance to the decedent.

5 2. The offense of murder in the second degree is a class A
6 felony, and the punishment for second degree murder shall be in
7 addition to the punishment for commission of a related felony or
8 attempted felony, other than murder or manslaughter.

9 3. Notwithstanding section 556.046 and section 565.029, in
10 any charge of murder in the second degree, the jury shall be
11 instructed on, or, in a jury-waived trial, the judge shall
12 consider, any and all of the subdivisions in subsection 1 of this
13 section which are supported by the evidence and requested by one
14 of the parties or the court."; and

15 Further amend the title and enacting clause accordingly.