

SENATE BILL NO. 997

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (15).

5486S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 565.021, RSMo, and to enact in lieu thereof one new section relating to the offense of murder in the second degree, with penalty provisions.

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

Section A. Section 565.021, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 565.021,
3 to read as follows:

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

3 (1) Knowingly causes the death of another person or,
4 with the purpose of causing serious physical injury to
5 another person, causes the death of another person; [or]

6 (2) Commits or attempts to commit any felony, and, in
7 the perpetration or the attempted perpetration of such
8 felony or in the flight from the perpetration or attempted
9 perpetration of such felony, another person is killed as a
10 result of the perpetration or attempted perpetration of such
11 felony or immediate flight from the perpetration of such
12 felony or attempted perpetration of such felony; or

13 (3) **Delivers or distributes fentanyl or any analogue**
14 **thereof to another person and where the death of such person**
15 **results from the use of the fentanyl or analogue thereof.**

16 2. The offense of murder in the second degree is a
17 class A felony, and the punishment for second degree murder

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 shall be in addition to the punishment for commission of a
19 related felony or attempted felony, other than murder or
20 manslaughter.

21 3. Notwithstanding section 556.046 and section
22 565.029, in any charge of murder in the second degree, the
23 jury shall be instructed on, or, in a jury-waived trial, the
24 judge shall consider, any and all of the subdivisions in
25 subsection 1 of this section which are supported by the
26 evidence and requested by one of the parties or the court.

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