

SECOND REGULAR SESSION

SENATE BILL NO. 702

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS CLAY AND BANKS.

Read 1st time January 12, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S2255.02I

AN ACT

To repeal section 565.020, RSMo 1994, relating to certain crimes, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

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

Section A. Section 565.020, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 565.020, to read as follows:

565.020. 1. A person commits the crime of murder in the first degree if he knowingly causes the death of another person after deliberation upon the matter.

2. Murder in the first degree is a class A felony, and the punishment shall be either death or imprisonment for life without eligibility for probation or parole, or release except by act of the governor; except that, if a person has not reached his sixteenth birthday at the time of the commission of the crime **or the court determines that prior to the commission of the crime the person was mentally retarded as defined in subsection 3 of this section**, the punishment shall be imprisonment for life without eligibility for probation or parole, or release except by act of the governor.

3. For purposes of this section, a person shall be considered mentally retarded if the court determines that the person meets each of the following standards:

(1) Significantly subaverage intellectual functioning as determined by intelligence tests, special education records and/or other measures of intelligence accepted by mental retardation professionals which places the person in the bottom three percent of the general population in intelligence. An intelligence quotient of seventy or below on a reliably administered intelligence quotient test shall be prima facie evidence that the person meets the standard of this subdivision;

- (2) Significant impairments in adaptive behavior which have a demonstrable handicapping effect on the person's functioning in society; and**
- (3) The retardation manifests itself before age eighteen.**

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