

FIRST REGULAR SESSION

# HOUSE BILL NO. 1066

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES MORRIS (Sponsor), ROORDA, WALSH, ATKINS, RUCKER,  
WEBB, PACE, WALTON GRAY AND FISCHER (107) (Co-sponsors).

1119L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

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

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Section A. Section 565.024, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 565.024, to read as follows: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

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

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

(3) While in an intoxicated condition operates a motor vehicle or vessel in this state, and, when so operating, acts with criminal negligence to:

(a) Cause the death of any person not a passenger in the vehicle or vessel operated by the defendant, including the death of an individual that results from the defendant's vehicle leaving a highway, as defined by section 301.010, RSMo, or the highway's right-of-way; or vessel leaving the water; or

(b) Cause the death of two or more persons; or

(c) Cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person's blood; or

(4) Operates a motor vehicle in violation of subsection 2 of section 304.022, RSMo, and when so operating, acts with criminal negligence to cause the death of any person authorized to

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 operate an emergency vehicle, as defined in section 304.022, RSMo, while such person is in the  
18 performance of official duties; **or**

19 (5) Operates a vessel in violation of subsections 1 and 2 of section 306.132, RSMo, and  
20 when so operating acts with criminal negligence to cause the death of any person authorized to  
21 operate an emergency watercraft, as defined in section 306.132, RSMo, while such person is in  
22 the performance of official duties; **or**

23 (6) **Unlawfully distributes or delivers any controlled substance to any person and**  
24 **that person's injection, inhalation, or ingestion of the controlled substance causes that**  
25 **person's death.**

26 **2. For purposes of this section, the act of distributing or delivering a controlled**  
27 **substance is the cause of death when the injection, inhalation, or ingestion of the substance**  
28 **is an antecedent but for which the death would not have occurred and the death was not**  
29 **too remote in its occurrence as to have a just bearing on the defendant's liability or too**  
30 **dependent upon conduct of another person which was unrelated to the injection,**  
31 **inhalation, or ingestion of the substance or its effect as to have a just bearing on the**  
32 **defendant's liability.**

33 [2.] **3.** Involuntary manslaughter in the first degree under subdivision (1) [or (2)] **or (6)**  
34 of subsection 1 of this section is a class C felony. Involuntary manslaughter in the first degree  
35 under subdivision (3) of subsection 1 of this section is a class B felony. A second or subsequent  
36 violation of subdivision (3) of subsection 1 of this section is a class A felony. For any violation  
37 of subdivision (3) of subsection 1 of this section, the minimum prison term which the defendant  
38 must serve shall be eighty-five percent of his or her sentence. Any violation of subdivisions (4)  
39 and (5) of subsection 1 of this section is a class B felony.

40 [3.] **4.** A person commits the crime of involuntary manslaughter in the second degree if  
41 he acts with criminal negligence to cause the death of any person.

42 [4.] **5.** Involuntary manslaughter in the second degree is a class D felony.

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