

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 1637, Page 1, Section A, Line 2, by inserting after said section and line the
2 following:

3
4 "556.046. 1. A person may be convicted of an offense included in an offense charged in the
5 indictment or information. An offense is so included when:

6 (1) It is established by proof of the same or less than all the facts required to establish the
7 commission of the offense charged; or

8 (2) It is specifically denominated by statute as a lesser degree of the offense charged; or

9 (3) It consists of an attempt to commit the offense charged or to commit an offense
10 otherwise included therein.

11 2. The court shall not be obligated to charge the jury with respect to an included offense
12 unless there is a rational basis for a verdict acquitting the person of the offense charged and
13 convicting him or her of the included offense. An offense is charged for purposes of this section if:

14 (1) It is in an indictment or information; or

15 (2) It is an offense submitted to the jury because there is a rational basis for a verdict
16 acquitting the person of the offense charged and convicting the person of the included offense.

17 3. The court shall be obligated to instruct the jury with respect to a particular included
18 offense only if the instruction is requested and there is a rational basis in the evidence for acquitting
19 the person of the immediately higher included offense and ~~[there is a basis in the evidence for]~~
20 convicting the person of that particular included offense."; and

21
22 Further amend said bill by amending the title, enacting clause, and intersectional references
23 accordingly.

Action Taken _____ Date _____