

SECOND REGULAR SESSION

HOUSE BILL NO. 1153

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WILSON (130) (Sponsor), HOBBS, SELF, SMITH (118), RUESTMAN, SUTHERLAND, THRELKELD, PEARCE, STEVENSON, SKAGGS, WALLACE, WOOD, QUINN, SANDER, SCHLOTTACH, MYERS, BROWN AND WILSON (119) (Co-sponsors).

Read 1st time January 20, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2490L.011

AN ACT

To repeal sections 195.202, 195.246, and 195.420, RSMo, and to enact in lieu thereof three new sections relating to drug crimes, with penalty provisions.

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

Section A. Sections 195.202, 195.246, and 195.420, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 195.202, 195.246, and 195.420, to read as follows:

195.202. 1. Except as authorized by sections 195.005 to 195.425, it is unlawful for any person to possess or have under his **or her** control a controlled substance.

2. Any person who violates this section with respect to any controlled substance except thirty-five grams or less of marijuana is guilty of a class C felony **unless such controlled substance was placed within close proximity to or within easy access of a child under the age of seventeen years in which case it is a class B felony.**

3. Any person who violates this section with respect to not more than thirty-five grams of marijuana is guilty of a class A misdemeanor **unless such marijuana was placed within close proximity to or within easy access of a child under the age of seventeen years in which case it is a class D felony.**

195.246. 1. It is unlawful for any person to possess any methamphetamine precursor drug with the intent to manufacture amphetamine, methamphetamine or any of their analogs.

2. Possession of more than twenty-four grams of any methamphetamine precursor drug or combination of methamphetamine precursor drugs shall be prima facie evidence of intent to violate this section. This subsection shall not apply to any practitioner or to any product possessed in the course of a legitimate business.

7 3. A person who violates this section is guilty of a class D felony **unless such**
8 **methamphetamine precursor drug was placed within close proximity to or within easy**
9 **access of a child under the age of seventeen years in which case it is a class B felony.**

 195.420. 1. It is unlawful for any person to possess chemicals listed in subsection 2 of
2 section 195.400, or reagents, or solvents, or any other chemicals proven to be precursor
3 ingredients of methamphetamine or amphetamine, as established by expert testimony pursuant
4 to subsection 3 of this section, with the intent to manufacture, compound, convert, produce,
5 process, prepare, test, or otherwise alter that chemical to create a controlled substance or a
6 controlled substance analogue in violation of sections 195.005 to 195.425.

7 2. A person who violates this section is guilty of a class C felony **unless such**
8 **methamphetamine precursor drug was placed within close proximity to or within easy**
9 **access of a child under the age of seventeen years in which case it is a class B felony.**

10 3. The state may present expert testimony to provide a prima facie case that any
11 chemical, whether or not listed in subsection 2 of section 195.400, is an immediate precursor
12 ingredient for producing methamphetamine or amphetamine.