

FIRST REGULAR SESSION

HOUSE BILL NO. 160

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MCGHEE (Sponsor), PRATT, WALLACE, SCHAD, NIEVES,
NANCE, JONES (89), BROWN (30) AND ATKINS (Co-sponsors).

0556L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 195.202 and 568.045, RSMo, and to enact in lieu thereof two new sections relating to the crime of endangering the welfare of a child, with penalty provisions.

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

Section A. Sections 195.202 and 568.045, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 195.202 and 568.045, to read as follows: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 control a controlled substance.

2. **Except as provided in subsection 4 of this section**, 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.

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.

4. **Any person who violates subsection 2 of this section in the presence of a person less than seventeen years of age or in a residence where a person less than seventeen years of age resides is guilty of a class B felony.**

568.045. 1. A person commits the crime of endangering the welfare of a child in the first degree if:

(1) The person knowingly acts in a manner that creates a substantial risk to the life, body, or health of a child less than seventeen years old; or

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.

5 (2) The person knowingly engages in sexual conduct with a person under the age of
6 seventeen years over whom the person is a parent, guardian, or otherwise charged with the care
7 and custody;

8 (3) The person knowingly encourages, aids or causes a child less than seventeen years
9 of age to engage in any conduct which violates the provisions of chapter 195, RSMo;

10 (4) Such person enlists the aid, either through payment or coercion, of a person less than
11 seventeen years of age to unlawfully manufacture, compound, produce, prepare, sell, transport,
12 test or analyze amphetamine or methamphetamine or any of their analogues, or to obtain any
13 material used to manufacture, compound, produce, prepare, test or analyze amphetamine or
14 methamphetamine or any of their analogues; or

15 (5) Such person, in the presence of a person less than seventeen years of age or in a
16 residence where a person less than seventeen years of age resides, unlawfully manufactures, or
17 attempts to manufacture compounds, **possesses**, produces, prepares, sells, transports, tests or
18 analyzes amphetamine or methamphetamine or any of their analogues.

19 2. Endangering the welfare of a child in the first degree is a class C felony unless the
20 offense is committed as part of a ritual or ceremony, or except on a second or subsequent
21 offense, in which case the crime is a class B felony.

22 **3. This section shall be known as "Hope's Law".**

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