

FIRST REGULAR SESSION

[CORRECTED]

# HOUSE BILL NO. 1095

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DOGAN.

1675H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal sections 579.015, 579.020, and 579.030, RSMo, and to enact in lieu thereof three new sections relating to controlled substance offenses, with penalty provisions.

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

Section A. Sections 579.015, 579.020, and 579.030, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 579.015, 579.020, and 579.030, to read as follows:

579.015. 1. A person commits the offense of possession of a controlled substance if he or she knowingly possesses a controlled substance, except as authorized by this chapter or chapter 195.

2. The offense of possession of any controlled substance except ~~[thirty-five grams or less of]~~ marijuana ~~[or]~~, any synthetic cannabinoid, **or marijuana concentrate** is a class D felony.

3. The offense of possession of more than ~~[ten grams but thirty-five grams or less]~~ **one hundred grams** of marijuana or any synthetic cannabinoid **or an amount equivalent to more than one hundred grams of marijuana concentrate** is a class A misdemeanor.

4. The offense of possession of ~~[not more than ten]~~ **one hundred grams or less** of marijuana or any synthetic cannabinoid **or an amount equivalent to one hundred grams or less of marijuana concentrate** is ~~[a class D misdemeanor. If the defendant has previously been found guilty of any offense of the laws related to controlled substances of this state, or of the United States, or any state, territory, or district, the offense is a class A misdemeanor. Prior~~

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.

14 ~~findings of guilt shall be pleaded and proven in the same manner as required by section 558.021]~~  
15 **an infraction.**

16 5. In any complaint, information, or indictment, and in any action or proceeding brought  
17 for the enforcement of any provision of this chapter or chapter 195, it shall not be necessary to  
18 include any exception, excuse, proviso, or exemption contained in this chapter or chapter 195,  
19 and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the  
20 defendant.

579.020. 1. A person commits the offense of delivery of a controlled substance if,  
2 except as authorized in this chapter or chapter 195, he or she:

3 (1) Knowingly distributes or delivers a controlled substance;

4 (2) Attempts to distribute or deliver a controlled substance;

5 (3) Knowingly possesses a controlled substance with the intent to distribute or deliver  
6 any amount of a controlled substance; or

7 (4) Knowingly permits a minor to purchase or transport illegally obtained controlled  
8 substances.

9 2. Except when the controlled substance is ~~[thirty-five grams or less of]~~ marijuana ~~[or]~~  
10 , synthetic cannabinoid, **marijuana concentrate**, or as otherwise provided under subsection ~~[5]~~  
11 **6** of this section, the offense of delivery of a controlled substance is a class C felony.

12 3. ~~[Except as otherwise provided under subsection 4 of this section,]~~ The offense of  
13 delivery of ~~[thirty-five]~~ **more than one hundred grams but less than thirty thousand** grams  
14 ~~[or less]~~ of marijuana or synthetic cannabinoid **or an amount equivalent to more than one**  
15 **hundred grams but less than thirty thousand grams of marijuana concentrate** is a class ~~[E~~  
16 ~~felony]~~ **A misdemeanor.**

17 4. **The offense of delivery of one hundred grams or less of marijuana or synthetic**  
18 **cannabinoid or an amount equivalent to one hundred grams or less of marijuana**  
19 **concentrate is an infraction.**

20 5. The offense of delivery of ~~[thirty-five]~~ **one hundred** grams or less of marijuana or  
21 synthetic cannabinoid **or an amount equivalent to one hundred grams or less of marijuana**  
22 **concentrate** to a person less than seventeen years of age who is at least two years younger than  
23 the defendant is a class ~~[C]~~ **D** felony.

24 ~~[5-]~~ 6. The offense of delivery of a controlled substance is a class B felony if:

25 (1) The delivery or distribution is any amount of a controlled substance except  
26 ~~[thirty-five]~~ **one hundred** grams or less of marijuana or synthetic cannabinoid, to a person less  
27 than seventeen years of age who is at least two years younger than the defendant; or

28 (2) The person knowingly permits a minor to purchase or transport illegally obtained  
29 controlled substances.

30           **7. The offense of delivery of a controlled substance is a class C felony if the delivery**  
31 **or distribution is more than one hundred grams but less than thirty thousand grams of**  
32 **marijuana or synthetic cannabinoid or an amount equivalent to more than one hundred**  
33 **grams but less than thirty thousand grams of marijuana concentrate to a person less than**  
34 **seventeen years of age who is at least two years younger than the defendant.**

579.030. 1. A person commits the offense of distribution of a controlled substance in  
2 a protected location if he or she knowingly distributes, sells, or delivers any controlled substance,  
3 except [~~thirty-five~~] **one hundred** grams or less of marijuana or synthetic cannabinoid **or an**  
4 **amount equivalent to one hundred grams or less of marijuana concentrate**, to a person with  
5 knowledge that that distribution, delivery or sale is:

6           (1) In, on, or within [~~two~~] **one** thousand feet of, the real property comprising a public or  
7 private elementary, vocational, or secondary school, or on any school bus **and between the**  
8 **hours of 6:00 a.m. and 10:00 p.m.**; or

9           (2) In, on, or within one thousand feet of, the real property comprising a public park,  
10 state park, county park, municipal park, or private park designed for public recreational purposes,  
11 as park is defined in section 253.010; or

12           (3) In or on the real property comprising public housing or other governmental assisted  
13 housing.

14           2. The offense of unlawful distribution of a controlled substance in a protected location  
15 is a class A felony.

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