

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 2213, Page 1, Section 195.202, Lines 1-7,
2 by deleting all of said lines and inserting in lieu thereof the following:

3
4 "195.202. [1.] Except as authorized by sections 195.005 to 195.425 and sections 195.900 to
5 195.985, it is unlawful for any person to possess or have under his control a controlled substance.

6 [2.] Any person who violates this section with respect to any controlled substance [except
7 thirty-five grams or less of marijuana or any synthetic cannabinoid] is guilty of a class C felony.

8 [3. Any person who violates this section with respect to not more than thirty-five grams of
9 marijuana or any synthetic cannabinoid is guilty of a class A misdemeanor.]; and

10
11 Further amend said bill, Page 2, Section 195.211, Lines 7-8, by inserting an open bracket "["
12 immediately after the word "amount" and a closed bracket "]" immediately after the word
13 "marijuana"; and

14
15 Further amend said bill, page and section, Line 13, by inserting an open bracket "[" immediately
16 after the word "substance" and inserting a closed bracket "]" immediately after the word
17 "marijuana"; and

18
19 Further amend said bill, page and section, Lines 14-15, by inserting an open bracket "[" immediately
20 before the number "4." and inserting a closed bracket "]" immediately after the word "felony."; and

21
22 Further amend said bill, Page 39, Section 195.978, Lines 64-65, by deleting said lines and inserting
23 in lieu thereof the following:

24
25 "6. Notwithstanding any other provision of law, a person who commits any acts that are
26 unlawful under:

27 (1) Subsection 1;

28 (2) Paragraph (a) of subdivision (3) of subsection 3; or

29 (3) Subdivisions (4), (5), (6) or (7) of subsection 3

30
31 of this section shall be guilty of a class D felony.

32 "7. Notwithstanding any other provision of law, a person who commits any acts that are
33 unlawful under:

34 (1) Subsections 2, 4, or 5; or

35 (2) Subdivisions (1), (2), (8) or (9) of subsection 3

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1 of this section shall be guilty of a class A misdemeanor."; and

2
3 Further amend said bill, Page 47, Section 263.250, Line 13, by inserting immediately after all of
4 said section and line the following:

5
6 "579.015. 1. A person commits the offense of possession of a controlled substance if he or
7 she knowingly possesses a controlled substance, except as authorized by this chapter or chapter 195.

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

10 3. [The offense of possession of more than ten grams but less than thirty-six grams of
11 marijuana or any synthetic cannabinoid is a class A misdemeanor.

12 4. The offense of possession of not more than ten grams of marijuana or any synthetic
13 cannabinoid is a class D misdemeanor. If the defendant has previously been found guilty of any
14 offense of the laws related to controlled substances of this state, or of the United States, or any state,
15 territory, or district, the offense is a class A misdemeanor. Prior findings of guilt shall be pleaded
16 and proven in the same manner as required by section 558.021.

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

21 579.020. 1. A person commits the offense of delivery of a controlled substance if, except as
22 authorized in this chapter or chapter 195, he or she:

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

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

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

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

29 2. [Except when the controlled substance is thirty-five grams or less of marijuana or
30 synthetic cannabinoid or as otherwise provided under subsection 5 of this section,] the offense of
31 delivery of a controlled substance is a class C felony.

32 3. [Except as otherwise provided under subsection 4 of this section, the offense of delivery
33 of thirty-five grams or less of marijuana or synthetic cannabinoid is a class E felony.

34 4. The offense of delivery of thirty-five grams or less of marijuana or synthetic cannabinoid
35 to a person less than seventeen years of age who is at least two years younger than the defendant is a
36 class C felony.

37 5.] The offense of delivery of a controlled substance is a class B felony if:

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

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

43 579.030. 1. A person commits the offense of distribution of a controlled substance in a
44 protected location if he or she knowingly distributes, sells, or delivers any controlled substance,
45 [except thirty-five grams or less of marijuana or synthetic cannabinoid,] to a person with knowledge
46 that that distribution, delivery or sale is:

47 (1) In, on, or within two thousand feet of, the real property comprising a public or private
48 elementary, vocational, or secondary school, or on any school bus; or

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

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

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

8 579.105. 1. A person commits the offense of keeping or maintaining a public nuisance if he
9 or she knowingly keeps or maintains:

10 (1) Any room, building, structure or inhabitable structure, as defined in section 556.061,
11 which is used for the illegal manufacture, distribution, storage, or sale of any amount of a controlled
12 substance[, except thirty-five grams or less of marijuana or thirty-five grams or less of any synthetic
13 cannabinoid]; or

14 (2) Any room, building, structure or inhabitable structure, as defined in section 556.061,
15 where on three or more separate occasions within the period of a year, two or more persons, who
16 were not residents of the room, building, structure, or inhabitable structure, gathered for the
17 principal purpose of unlawfully ingesting, injecting, inhaling or using any amount of a controlled
18 substance[, except thirty-five grams or less of marijuana or thirty-five grams or less of any synthetic
19 cannabinoid].

20 2. In addition to any other criminal prosecutions, the prosecuting attorney or circuit attorney
21 may by information or indictment charge the owner or the occupant, or both the owner and the
22 occupant of the room, building, structure, or inhabitable structure with the offense of keeping or
23 maintaining a public nuisance.

24 3. The offense of keeping or maintaining a public nuisance is a class E felony.

25 4. Upon the conviction of the owner pursuant to this section, the room, building, structure,
26 or inhabitable structure is subject to the provisions of sections 513.600 to 513.645."; and

27
28 Further amend said bill by amending the title, enacting clause, and intersectional references
29 accordingly.