

FIRST REGULAR SESSION

HOUSE BILL NO. 791

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MERIDETH.

1680H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 579.015, RSMo, and to enact in lieu thereof one new section relating to the offense of possession of a controlled substance, with penalty provisions.

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

Section A. Section 579.015, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 579.015, to read as follows: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, **three grams or less of heroin, four grams or less of 3,4-methylenedioxyamphetamine (MDMA), eight grams or less of methamphetamine, or eight grams or less of cocaine** is a class D felony.

3. The offense of possession of more than ten grams but thirty-five grams or less of marijuana or any synthetic cannabinoid, **more than one gram but three grams or less of heroin, more than one gram but four grams or less of MDMA, more than two grams but eight grams or less of methamphetamine, or more than two grams but eight grams or less of cocaine** is a class A misdemeanor.

4. The offense of possession of not more than ten grams of marijuana or any synthetic cannabinoid, **one gram of heroin, one gram of MDMA, two grams of methamphetamine, forty units of LSD, twelve grams of psilocybin, forty units of methadone, forty pills of oxycodone, or two grams of cocaine** is ~~[a class D misdemeanor]~~ **an infraction punishable by a fine not to exceed one hundred dollars or participation in a treatment program approved**

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.

18 **by the court, or both.** [~~If the defendant has previously been found guilty of any offense of the~~
19 ~~laws related to controlled substances of this state, or of the United States, or any state, territory,~~
20 ~~or district, the offense is a class A misdemeanor. Prior findings of guilt shall be pleaded and~~
21 ~~proven in the same manner as required by section 558.021.~~]

22 5. In any complaint, information, or indictment, and in any action or proceeding brought
23 for the enforcement of any provision of this chapter or chapter 195, it shall not be necessary to
24 include any exception, excuse, proviso, or exemption contained in this chapter or chapter 195,
25 and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the
26 defendant.

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