

SECTIONS WITH CHANGED PENALTIES – SB 491

Statute	Offense	Current Class	New Rank
195.130 / 579.105	Keeping or maintaining a public nuisance	C felony	E felony
195.202 / 579.015	Possession of controlled substance except 35 grams or less of marijuana / synthetic cannabinoid	C felony	E felony
195.202 / 579.015	Possession of up to 35 grams of marijuana / a synthetic cannabinoid	A misdemeanor	D misdemeanor unless 2 nd offense, then A misdemeanor
195.202 / 579.015	Possession of controlled substance except 35 grams or less of marijuana / synthetic cannabinoid	C felony	E felony
195.202 / 579.015	Possession of up to 35 grams of marijuana / a synthetic cannabinoid	A misdemeanor	D misdemeanor unless 2 nd offense, then A misdemeanor
195.211 / 579.020	Deliver controlled substance except 5 (35) grams or less of marijuana/synthetic cannabinoid	B felony	C felony
195.211 / 579.020	Deliver not more than 5 (35) grams marijuana	C felony	E felony
195.211 / 579.055	Manufacture/produce/attempt to manufacture/produce more than 5 grams marijuana or any controlled substance in residence with child or within 2000 (1000) feet of any school, college or school bus	A felony	B felony
195.211 / 579.055	Manufacture/produce or attempt to or possess with intent to produce a controlled substance	B felony	New C felony
195.211 / 579.055	Manufacture not more than 5 (35) grams marijuana	C felony	E felony
195.212 / 579.020	Distributing controlled substance to a minor (35 grams or less of marijuana/synthetic cannabinoid)	B felony	New C felony
195.222 / 579.065	Trafficking in drugs/attempt to traffic 1st degree/over statutory amount	A felony / no probation, parole	A felony
195.222 / 579.065	Trafficking in drugs/attempt to traffic 1st degree	A felony	B felony
195.222 / 579.065	Trafficking in drugs/attempt to traffic 1st degree - near schools/public housing/hotel	A felony / no probation, parole	A felony
195.222 / 579.065	Trafficking in drugs/attempt to traffic 1st degree - within a motor vehicle	A felony / no probation, parole	A felony

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195.223 / 579.068	Trafficking in drugs/attempt to traffic 2nd degree/450 grams or more - ecstasy/methamphetamine/amphetamine	A felony / no probation, parole	A felony
195.223 / 579.068	Trafficking in drugs/attempt to traffic 2nd degree – above statutory amounts	A felony	B felony
195.223 / 579.068	Trafficking in drugs/attempt to traffic 2nd degree	B felony	New C felony
195.233 / 579.074	Unlawful use of drug paraphernalia	A misdemeanor	D misdemeanor unless 2 nd offense, then A misdemeanor
195.235 / 579.076	Manufacture with intent to deliver/sell drug paraphernalia (Deliver/sell, possess with intent to deliver/sell is now in 579.040)	D felony	A misdemeanor unless commercial purposes, then E felony
195.420 / 579.110	Possess chemical with intent to manufacture, compound, convert, produce, process, prepare, test or alter chemical to create controlled substance/analogue in violation of Sections 195.005-195.425	C felony	E felony
302.592 / 577.051	Willfully refuse to furnish required alcohol/drug related records to highway patrol or department of revenue	C Misdemeanor	D Misdemeanor
306.111 / 577.013	Operating a vessel while intoxicated - chronic offender	B felony	New C felony
306.111 / 577.013	Involuntary manslaughter - vessel	C felony	New C felony
306.112 / 577.014	Operating a vessel with excessive blood alcohol content - chronic offender	B felony	New C felony
565.024	First degree involuntary manslaughter	C felony	New C felony
565.024 / 577.010	DWI – death of another (was involuntary manslaughter)	C felony	New C felony
565.024/ 577.010	Involuntary manslaughter – vehicular/vessel – intoxicated	C felony	New C felony
565.060 / 577.010	DWI criminal negligence to cause physical injury (was Assault 2 nd degree)	C felony	E felony
565.060/ 577.010	Assault 2nd degree – intoxicated driving	C felony	E felony
565.065 / 579.070	Unlawful endangerment of another in production of controlled substance	C felony	New C felony

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565.073	Domestic assault 2nd degree –prior domestic violence offender	B felony	New C felony
565.073	Domestic assault 2nd degree – persistent domestic violence offender	A felony	B felony
565.082	Assault/attempts assault 2nd degree on law enforcement officer, corrections officer, emergency personnel, highway worker or probation and parole officer by means other than deadly weapon or dangerous instrument or physical injury/by purposely/recklessly placing person in apprehension of immediate serious physical injury/ acts with criminal negligence - means of a deadly weapon or dangerous instrument/ acts with criminal negligence - create risk of death or serious physical injury	C felony	D felony/ A misdemeanor
565.082 / 577.010	DWI criminal negligence to cause serious physical injury or physical injury to a special victim (partially covered by Assault of a law enforcement officer)	B felony (special victim part only)	D felony
565.115	Child kidnapping	A felony	B felony (is an A felony if the child is under 2)
565.153	Parental kidnapping - detains/conceals whereabouts of child for 120 days or more	B felony	C felony
565.252	Invasion of privacy 1st degree	D felony	E felony / A misdemeanor (1 st and 2nd degree merged)
565.253	Invasion of privacy - previously pled guilty/found guilty of invasion of privacy 2nd degree with multiple individuals	C felony	E felony
566.067	Child molestation 1st degree - victim is less than 12 years of age - the actor has previous conviction under Chapter 566 or inflicts serious physical injury/displays deadly weapon or dangerous instrument/offense is part of ritual or ceremony	A Felony (No probation/parole)	A felony – no limitation on probation/parole
566.067 / 566.069	Child molestation 1st degree / Child molestation 3rd degree - victim is less than 14 years of age	B Felony	New C felony unless forcible compulsion, then B

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566.068	Child molestation 2 nd degree – the actor has previous conviction under Chapter 566 or inflicts serious physical injury/displays deadly weapon or dangerous instrument/offense is part of ritual or ceremony	D felony	B felony – Person 21 years or older subjects under 17-year-old to sexual contact and aggravating circumstances
566.068 / 566.071	Child molestation 2 nd degree / Child molestation 4 th degree – victim less than 17	A misdemeanor	D felony – adds element that offender is 21 years or older
568.030	Abandonment of child 1st degree	B Felony	New C felony
568.045	Endangering welfare of child in ritual/ceremony 1st degree / 2nd or subsequent offense / physical injury	B Felony	New C felony
568.052 / 577.300	Leaving a child 10 years of age or less unattended in motor vehicle causing motor vehicle collision/fatal injury to pedestrian 1st degree	C Felony	New C felony
568.080 / 573.200	Use of child in sexual performance	C Felony	New C felony
568.090 / 573.205	Promoting a sexual performance by a child	C Felony	New C felony
569.025 / 570.023	Pharmacy Robbery 1st degree	A felony	No change in class - it does not carry the penalty of 10 years required imprisonment before being eligible for parole or conditional release
569.030 / 570.025	Robbery 2nd degree	B felony	New C felony
569.060	Reckless burning or exploding	A misdemeanor	B misdemeanor
569.065	Negligent burning or exploding	B misdemeanor	C misdemeanor
569.067	Negligently starting a fire on cropland, grassland, marsh, prairie, woodland	B misdemeanor	C misdemeanor
570.030	Theft/stealing (value of property or services is \$25,000 or more)	B felony	New C felony

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570.080 / 570.030	Receiving stolen property (value of property \$25,000 or more.)	B felony	New C felony
570.120	Passing bad check (value \$500 or more) - no account/insufficient funds / (value \$750 or more)	C felony	E felony
570.145	Financial exploitation of elderly/disabled person (property value \$1000 - \$49,999) / (\$5,000 to \$24,999)	B felony	New C felony
570.220	Check kiting	C felony	E felony
570.223	Identity theft or attempted identity theft (value \$50,001 or more) (\$75,001 or more)	A felony	B felony
570.223	Identity theft or attempted identity theft (value \$5,001 - \$50,000) / (\$25,001 - \$75,000)	B felony	New C felony
572.020	Gambling professional player	D Felony	A misdemeanor
574.075	Drinking in a prohibited place	A misdemeanor	B misdemeanor
575.280	Acceding to corruption - judge, juror, master, referee or arbitrator	C Felony	New C felony
577.010	DWI - alcohol - chronic offender	B felony	New C felony
577.012	Excessive blood alcohol content - chronic offender	B felony	New C felony
577.070	Littering	A misdemeanor	C misdemeanor
577.073	Littering waters, injure plants or historical objects, deface objects or selling in state parks	Unspecified misdemeanor	C misdemeanor
577.076	Littering with carcass-put into any well, spring, pond, etc., or any nuisance in or near public road, highway, etc., not one's own	Fine \$25 - \$500	C misdemeanor
578.405/ 578.409	Causing loss to or theft from animal facility (over \$100,000) / (\$25,000 or more)	B felony	B felony for \$25,000 or more
578.405/ 578.409	Causing loss to or theft from animal facility (more than \$10,000-\$100,000) / (\$1,000 or more)	C felony	New C felony for \$1,000 or more

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578.405/ 578.409	Causing loss to or theft from animal facility (more than \$300-\$10,000) / (\$750 or more)	D felony	D felony for \$750 or more
578.405/ 578.409	Causing loss to or theft from animal facility (up to \$300) / (\$50 or more)	A misdemeanor	E felony for \$50 or more
578.405/ 578.409	Causing loss to or theft from animal facility (less than \$50)	A misdemeanor	A misdemeanor for less than \$50
578.416 / 569.132	Violate Section 578.416 regarding crop loss (value greater than \$100,000) / (value greater than \$75,000)	B felony	A felony
578.416 / 569.132	Violate Section 578.416 regarding crop loss (value \$25,000 to \$74,999)	New	B felony
578.416 / 569.132	Violate Section 578.416 regarding crop loss (value greater than \$1,000 - \$100,000) / (value (\$1,000 to \$24,999)	C felony	New C felony
578.416 / 569.132	Violate Section 578.416 regarding crop loss (value \$501 to \$1,000) / (value \$750 to \$999)	D felony	New D felony
578.416 / 569.132	Violate Section 578.416 regarding crop loss (value greater than \$100,000) / (value greater than \$75,000)	B felony	A felony
578.416 / 569.132	Violate Section 578.416 regarding crop loss (value \$25,000 to \$74,999)	New	B felony
578.416 / 569.132	Violate Section 578.416 regarding crop loss (value greater than \$1,000 - \$100,000) / (value (\$1,000 to \$24,999)	C felony	New C felony
578.416 / 569.132	Violate Section 578.416 regarding crop loss (value \$501 to \$1,000) / (value \$750 to \$999)	D felony	No change
578.416 / 569.132	Violate Section 578.416 regarding crop loss (value \$50 to \$749)	New Crime	E felony