

SECOND REGULAR SESSION

SENATE BILL NO. 831

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Read 1st time February 5, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5823S.011

AN ACT

To amend chapter 195, RSMo, by adding thereto one new section relating to the disposition of criminal offenses involving drug overdoses.

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

Section A. Chapter 195, RSMo, is amended by adding thereto one new
2 section, to be known as section 195.205, to read as follows:

**195.205. 1. This section shall be called and may be cited as the
2 "Missouri Good Samaritan Law".**

**3 2. As used in this section, "overdose" means a controlled
4 substance-induced physiological event or an imitation controlled
5 substance-induced physiological event that results in a life-threatening
6 emergency to the individual who ingested, inhaled, injected, or
7 otherwise bodily absorbed a controlled substance or an imitation
8 controlled substance.**

**9 3. A person who, in good faith, seeks or obtains emergency
10 medical assistance for someone experiencing an overdose shall not be
11 charged or prosecuted for possession of a controlled substance under
12 section 195.202, or for possession of an imitation controlled substance
13 under section 195.241, if evidence of the possession of a controlled
14 substance charge or the possession of an imitation controlled substance
15 charge was acquired as a result of the person seeking or obtaining
16 emergency medical assistance and so long as the amount of substance
17 recovered is within the amount identified in subsection 5 of this
18 section.**

**19 4. A person who is experiencing an overdose shall not be charged
20 or prosecuted for possession of a controlled substance under section
21 195.202, or for possession of an imitation controlled substance under**

22 section 195.241, if evidence of the possession of a controlled substance
23 charge or the possession of an imitation controlled substance charge
24 was acquired as a result of the person seeking or obtaining emergency
25 medical assistance and so long as the amount of substance recovered
26 is within the amount identified in subsection 5 of this section.

27 5. For the purposes of subsections 3 and 4 of this section, the
28 limited immunity shall only apply to a person possessing the following
29 amount:

- 30 (1) Less than three grams of a substance containing heroin;
- 31 (2) Less than three grams of a substance containing cocaine;
- 32 (3) Less than three grams of a substance containing morphine;
- 33 (4) Less than forty grams of a substance containing peyote;
- 34 (5) Less than forty grams of a substance containing a derivative
35 of barbituric acid or any of the salts of a derivative of barbituric acid;
- 36 (6) Less than forty grams of a substance containing amphetamine
37 or any salt of an optical isomer of amphetamine;
- 38 (7) Less than three grams of a substance containing lysergic acid
39 diethylamide (LSD), or an analog thereof;
- 40 (8) Less than six grams of a substance containing pentazocine or
41 any of the salts, isomers, and salts of isomers of pentazocine, or an
42 analog thereof;
- 43 (9) Less than six grams of a substance containing methaqualone
44 or any of the salts, isomers, and salts of isomers of methaqualone;
- 45 (10) Less than six grams of a substance containing phencyclidine
46 (PCP) or any of the salts, isomers, and salts of isomers of phencyclidine
47 (PCP);
- 48 (11) Less than six grams of a substance containing ketamine or
49 any of the salts, isomers, and salts of isomers of ketamine;
- 50 (12) Less than forty grams of a substance containing a substance
51 classified as a narcotic drug in Schedule I or II, or an analog thereof,
52 which is not otherwise included in this subsection; or
- 53 (13) Less than forty grams of an imitation controlled substance.

54 6. The limited immunity described in subsections 3 and 4 of this
55 section shall not be extended if law enforcement has:

- 56 (1) Reasonable suspicion or probable cause to detain, arrest, or
57 search the person described in subsection 3 or 4 of this section for
58 criminal activity and the reasonable suspicion or probable cause is

59 based on information obtained prior to or independent of the
60 individual described in subsection 3 or 4 of this section taking action
61 to seek or obtain emergency medical assistance; and

62 (2) Such reasonable suspicion or probable cause was not
63 obtained as a direct result of the action of seeking or obtaining
64 emergency medical assistance.

65 Nothing in this section is intended to interfere with or prevent the
66 investigation, arrest, or prosecution of any person for the delivery or
67 distribution of cannabis, methamphetamine, or other controlled
68 substances, drug-induced murder, or any other crime.

69 7. The fact that a defendant sought or obtained emergency
70 medical assistance for an overdose for such defendant or another shall
71 be accorded weight in favor of withholding or minimizing a sentence
72 of imprisonment for violating the provisions of section 195.202, 195.211,
73 195.222, or 195.241. If the court, having due regard for the character of
74 the offender, the nature and circumstances of the offense, and the
75 public interest finds that a sentence of imprisonment is the most
76 appropriate disposition of the offender, or where other provisions of
77 the law mandate the imprisonment of the offender, this fact shall be
78 considered in mitigation of the length of the term imposed.

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