

FIRST REGULAR SESSION

# SENATE BILL NO. 321

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROBERTS.

1468S.02I

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal section 579.015, RSMo, and to enact in lieu thereof one new section relating to controlled substances, with existing 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Section A. Section 579.015, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 579.015,  
3 to read as follows:

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

5 2. The offense of possession of [any controlled  
6 substance except thirty-five grams or less of marijuana or  
7 any synthetic cannabinoid] **flunitrazepam** is a class D felony.

8 3. The offense of possession of [more than ten grams  
9 but thirty-five grams or less of marijuana or any synthetic  
10 cannabinoid] **any controlled substance other than**  
11 **flunitrazepam or not more than ten grams of marijuana or any**  
12 **synthetic cannabinoid** is a class A misdemeanor.

13 4. The offense of possession of not more than ten  
14 grams of marijuana or any synthetic cannabinoid is a class D  
15 misdemeanor. [If the defendant has previously been found  
16 guilty of any offense of the laws related to controlled  
17 substances of this state, or of the United States, or any  
18 state, territory, or district, the offense is a class A

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 misdemeanor. Prior findings of guilt shall be pleaded and  
20 proven in the same manner as required by section 558.021.]

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

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