

FIRST REGULAR SESSION

# HOUSE BILL NO. 121

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HAYWOOD.

Pre-filed December 20, 2004 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0528L.011

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### AN ACT

To repeal section 195.295, RSMo, and to enact in lieu thereof one new section relating to trafficking in the second degree, with penalty provisions.

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

Section A. Section 195.295, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 195.295, to read as follows:

195.295. 1. Any person who has pleaded guilty to or been found guilty of violation of subdivision (1) of subsection 1 of section 195.223, subdivision (1) of subsection 2 of section 195.223, subdivision (1) of subsection 3 of section 195.223, subdivision (1) of subsection 4 of section 195.223, subdivision (1) of subsection 5 of section 195.223, subdivision (1) of subsection 6 of section 195.223, or subdivision (1) of subsection 7 of section 195.223 shall be sentenced to the authorized term of imprisonment for a class A felony if the court finds the defendant is a prior drug offender.

2. [Any person who has pleaded guilty to or been found guilty of a violation of subdivision (1) of subsection 1 of section 195.223, subdivision (1) of subsection 2 of section 195.223, subdivision (1) of subsection 3 of section 195.223, subdivision (1) of subsection 4 of section 195.223, subdivision (1) of subsection 5 of section 195.223, subdivision (1) of subsection 6 of section 195.223, or subdivision (1) of subsection 7 of section 195.223, or subdivision (1) of subsection 9 of section 195.223 shall be sentenced to the authorized term of imprisonment for a class A felony, which term shall be without probation or parole, if the court finds the defendant is a persistent drug offender.

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.

16           3.] Any person who has pleaded guilty to or been found guilty of a violation of  
17 subdivision (2) of subsection 1 of section 195.223, subdivision (2) of subsection 2 of section  
18 195.223, subdivision (2) of subsection 3 of section 195.223, subdivision (2) of subsection 4 of  
19 section 195.223, subdivision (2) of subsection 5 of section 195.223, subdivision (2) of subsection  
20 6 of section 195.223, or subdivision (2) of subsection 7 of section 195.223 or subsection 8 of  
21 section 195.223, or subdivision (2) of subsection 9 of section 195.223 shall be sentenced to the  
22 authorized term of imprisonment for a class A felony, which term shall be served without  
23 probation or parole, if the court finds the defendant is a prior drug offender.