

SECOND REGULAR SESSION

HOUSE BILL NO. 1461

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HODGES.

3848L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 195.214, 195.217, and 195.218, RSMo, and to enact in lieu thereof three new sections relating to distribution of controlled substances, with penalty provisions.

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

Section A. Sections 195.214, 195.217, and 195.218, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 195.214, 195.217, and 195.218, to read as follows:

195.214. 1. A person commits the offense of distribution of a controlled substance near schools if such person violates section 195.211 by unlawfully distributing or delivering any controlled substance to a person in or on, or within two thousand feet of, the real property comprising a public or private elementary or secondary school, public vocational school, or a public or private community college, college or university or on any school bus.

2. Distribution of a controlled substance near schools is a class A felony which term shall be served without probation or parole if the court finds the defendant is a persistent drug offender.

3. **It is the intent of the legislature that the provisions of this section create a safe zone around certain schools, colleges, community colleges, universities and school busses and that the provisions of this section shall not constitute a separate offense, but shall rather serve as an enhancement of the punishment for committing a violation of section 195.211 when such violation occurs in one of these areas.**

4. **The fact that the defendant did not know that he or she was in a safe zone at the time the offense occurred is not a defense.**

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.

195.217. 1. A person commits the offense of distribution of a controlled substance near
2 a park if such person violates section 195.211 by unlawfully distributing or delivering heroin,
3 cocaine, LSD, amphetamine, or methamphetamine to a person in or on, or within one thousand
4 feet of, the real property comprising a public park, state park, county park, or municipal park or
5 a public or private park designed for public recreational purposes, as park is defined in section
6 253.010, RSMo.

7 2. Distribution of a controlled substance near a park is a class A felony.

8 **3. It is the intent of the legislature that the provisions of this section create a safe**
9 **zone around certain parks and that the provisions of this section shall not constitute a**
10 **separate offense, but shall rather serve as an enhancement of the punishment for**
11 **committing a violation of section 195.211 when such violation occurs in one of these areas.**

12 **4. The fact that the defendant did not know that he or she was in a safe zone at the**
13 **time the offense occurred is not a defense.**

195.218. 1. A person commits the offense of distribution of a controlled substance near
2 public housing or other governmental assisted housing if [he] **such person** violates section
3 195.211 by unlawfully distributing or delivering any controlled substance to a person in or on,
4 or within one thousand feet of the real property comprising public housing or other governmental
5 assisted housing.

6 2. Distribution of a controlled substance near public housing or other governmental
7 assisted housing is a class A felony which term shall be served without probation or parole if the
8 court finds the defendant is a persistent drug offender.

9 **3. It is the intent of the legislature that the provisions of this section create a safe**
10 **zone around certain housing and that the provisions of this section shall not constitute a**
11 **separate offense, but shall rather serve as an enhancement of the punishment for**
12 **committing a violation of section 195.211 when such violation occurs in one of these areas.**

13 **4. The fact that the defendant did not know that he or she was in a safe zone at the**
14 **time the offense occurred is not a defense.**

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