

FIRST REGULAR SESSION

# HOUSE BILL NO. 708

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WALKER.

1634H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal section 579.015, RSMo, and to enact in lieu thereof one new section relating to the offense of possession of a controlled substance, with 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Section A. Section 579.015, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 579.015, to read as follows:

579.015. 1. A person commits the offense of possession of a controlled substance if he or she knowingly possesses a controlled substance, except as authorized by this chapter or chapter 195 **or except as provided in subsection 5 of this section.**

2. The offense of possession of any controlled substance except thirty-five grams or less of marijuana or any synthetic cannabinoid is a class D felony.

3. The offense of possession of more than ten grams but thirty-five grams or less of marijuana or any synthetic cannabinoid is a class A misdemeanor.

4. The offense of possession of not more than ten grams of marijuana or any synthetic cannabinoid is a class D misdemeanor. If the defendant has previously been found guilty of any offense of the laws related to controlled substances of this state, or of the United States, or any state, territory, or district, the offense is a class A misdemeanor. Prior findings of guilt shall be pleaded and proven in the same manner as required by section 558.021.

5. **A person does not commit the offense of possession of a controlled substance for any substance found within a used needle that tests positive for a controlled substance.**

6. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this chapter or chapter 195, it shall not be necessary to include any exception, excuse, proviso, or exemption contained in this

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.

18 chapter or chapter 195, and the burden of proof of any such exception, excuse, proviso or  
19 exemption shall be upon the defendant.

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