

Drug and Alcohol Misuse Prevention 2024-2025



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Alcohol and Drug Policy

Washington University seeks to encourage and sustain an academic environment that respects individual freedoms and promotes the health, safety, and welfare of its students, faculty, staff, and visitors. As adults, all students, faculty, staff, and visitors are expected to know and obey the applicable laws and all university rules and regulations and to be responsible for their own behavior.

Washington University complies with federal laws on drug and alcohol use prevention. These laws require that, as a condition of receiving federal funds (particularly student aid funds), Washington University adopt and implement a program to prevent the unlawful possession, use, and distribution of illicit drugs and alcohol by students and employees. The manufacture, distribution, possession, or use of illicit drugs and the unlawful possession, use, sale, or distribution of alcohol on Washington university property, or as part of any university activities, are prohibited. WUPD has primary responsibility for the enforcement of state underage drinking laws as well as the enforcement of federal and state drug laws.

Anyone who violates the law or university policy is subject to discipline within the university. Students are subject to discipline under the University Student Conduct Code (visit <https://studentconduct.washu.edu/policy/student-conduct-code/>) and to sanctions ranging from warnings to expulsion. Potential sanctions are described in Section VI of the Code. Faculty and staff members are subject to a full range of sanctions, up to and including dismissal. Those who violate the law also may be subject to criminal prosecution.

Relevant state and federal statutory provisions setting forth the criminal offense and potential penalties are listed starting on page 22.

The university's Drug and Alcohol Policy was adopted in accordance with the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act and is published online in Course Listings, *The Record*, and employee, faculty, and student handbooks. The Drug and Alcohol Policy is also available at hr.wustl.edu/policies/Pages/DrugandAlcoholPolicy.aspx. The university also publishes a policy addressing alcohol at university events. This is located at <https://washu.edu/about-washu/university-policies/>.

Questions concerning Washington University's Alcohol and Drug policies and its provisions should be directed to:

Director of the Office of Student Conduct and Community Standards
(314) 935-4329

Rob Wild, Associate Vice Chancellor for Student Transition and Engagement and Dean of Students
(314) 935-8081

Human Resources (Danforth Campus)
(314) 935-7746

Human Resources (Medical Campus)
(314) 362-7196

ALCOHOL AND SUBSTANCE USE PREVENTION AND EDUCATION PROGRAMS

Early recognition and treatment of drug or alcohol use are important for successful rehabilitation, and for reduced personal, family, and social disruption.

Washington University encourages the earliest possible diagnosis and treatment for drug and alcohol misuse; however, the decision to seek diagnosis and accept treatment for drug or alcohol use is the responsibility of the individual.

The university encourages faculty, staff, and students to seek assistance in working with a substance use concern, or those concerns of a friend or family member, by contacting available resources. University resources include:

For students on the Danforth Campus:

Habif Health & Wellness Center (314) 935-6666

Center for Counseling and Psychological Services (CCPS) located in the Habif Health and Wellness Center on the South 40
(314) 935-6695

For students on the Medical Campus:

Student Health Services (Medical Campus)
(314) 362-3523

For staff and faculty:

Employee Assistance Program
(844) 365-4587

The Habif Health & Wellness Center offers programs and services for Danforth Campus students with questions and concerns related to alcohol and other drugs.

To schedule a personal assessment, contact:

Health Promotion Services
riskreduction@wustl.edu
(314) 935-7386

All incoming first-year and transfer students are required to complete an online alcohol education and behavior assessment tool called the Year One College Behavior Profile.

Health Promotion Services staff members organize peer education programs and lead trainings for student groups and leaders. They post risk reduction messages and information on Habif's social media and website (habif.wustl.edu). They support the WashU Recovery Group which provides students in recovery from alcohol and/or drug use an opportunity to connect with other students with similar experiences. The group provides a safe place on campus for students to learn about resources, gain support, and connect. The group is not a recovery program; it is a resource that students can add to their support system while attending the university. Additional substance misuse recovery programs and meetings are offered near campus.

Center for Counseling and Psychological Services (Danforth Campus)
(314) 935-6695

**WUSM Department of Psychiatry
(314) 362-7002**

For treatment and information on the health effects of drug use and high-risk drinking please see pages 18–21.

During the annual new undergraduate and transfer student orientation program in August, the Office of Student Transitions and Family Programs facilitates a program called “Bearings” that all new students attend with their residential communities. Transfer and exchange students also attend. “Bearings” is a series of thought-provoking and entertaining skits about the first-year experience at Washington University, presented by upper-class students. Students meet with their Residential College to hear from their Residential College Director (RCD), followed by a smaller group discussion led by their Resident Advisors and their Washington University Student Associates. The use of alcohol is addressed in the script for “Bearings.” The skit provides examples of bad choices that students make regarding their alcohol use and the negative personal consequences of those choices. Students are reminded that not all students choose to drink in college and those who choose to drink are reminded to do so responsibly. During the training of volunteer student WUSAs, the university’s alcohol and drug policies are discussed, as are the expectations of the WUSAs in fostering a safe environment in the communities where they are assigned.

The Office of Residential Life continually provides training that addresses substance use to undergraduate Resident Advisors (RA). Ongoing training is conducted in the following areas:

- the effects of alcohol on the body;
- the university policies concerning drugs and alcohol;
- strategies for confronting students who have had too much to drink;
- techniques for talking with students who may have a drinking problem; and
- resources for RAs to refer students who may need additional support with alcohol or other drug concerns.

RAs are encouraged to provide at least one community program which educates undergraduate students on the risks associated with the use of alcohol in the first 6 weeks of the fall semester. These programs may be lectures, bulletin boards, community discussions or a related format, but must focus on making responsible choices. Students are educated on the law and the university policies, while also being coached to make informed, responsible decisions.

The Office of Human Resources is instrumental in distribution of the university’s Drug and Alcohol Policy to university employees. The full policy or reference to the policy with directions to the entire policy is included in various publications, including the staff employee handbooks, supervisor policy manuals, Faculty Information Handbook, and online on the Human Resources websites; it is also reviewed in various forums, including faculty and staff orientations, supervisor/manager training programs and human resource policy overview sessions.

Key to the promotion of this policy, along with the resources and programs available to faculty and staff members seeking more information and assistance, is the university’s Employee Assistance Program (EAP). The university’s Employee Assistance Program also provides confidential, professional assistance to benefits-eligible university employees and their family members to help resolve problems that are affecting their personal life or job performance. In addition to traditional EAP services and support that include crisis intervention and drug and alcohol counseling, the university’s EAP offers online access to an array of information resources such as self assessments, expert articles, reference materials, bulletin boards, chat rooms, online databases, and provider searches to assist and educate on a variety of topics. As a part of WashU’s employee outreach, the EAP has been asked to include drug and alcohol education/prevention programs among the services it is contracted to provide.

The program is managed by Work-Life Solutions, a nationally known professional consulting firm specializing in EAP services. Employees can contact Work-Life Solutions 24 hours a day, seven days a week to arrange a confidential appointment with a specialist. EAP specialists have professional training and expertise in a wide range of issues such as marriage and family problems, alcohol and drug misuse, emotional and psychological concerns, financial difficulties, stress, and much more.

**EAP/Work-Life Solutions
1-844-365-4587**

guidanceresources.com (click “Register” and enter the web ID “WASHU”)

In addition, the university has established an employee wellness initiative to promote evidence-based, data-driven wellness programs for benefits-eligible faculty, staff, postdoctoral appointees, and clinical fellows. This program provides opportunities for employees to assess their current health status, engage in health education programs, set goals for improving health decision-making, and track progress.

Numerous non-university counseling programs also exist in the St. Louis metropolitan area. Many programs advertise extensively in local media. Consultation with one’s personal physician is advised prior to self-referral to such non-university programs. For further information regarding referral to such programs, contact Student Health Services on the Danforth or Medical campuses or your private physician.

University Drug and Alcohol Policy

Washington University is committed to maintaining a safe and healthful environment for members of the University community by promoting a drug-free environment as well as one free of the abuse of alcohol. Violations of this policy will be handled according to existing policies and procedures concerning the conduct of faculty, staff and students.

This policy is adopted in accordance with the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act.

STANDARDS OF CONDUCT

Washington University strictly prohibits the unlawful manufacture, sale, distribution, dispensation, possession or use of controlled substances or alcohol on University property or as a part of any University activity. All faculty, staff and students must comply with this policy as a condition of their employment or enrollment. Faculty and staff members are prohibited from reporting to work under the influence of alcohol, chemicals, or drugs, including legally obtained prescription drugs, which impair one's ability to perform normal work activities. All faculty and staff members must notify their immediate supervisor(s) within five (5) days of any criminal drug statute conviction for a violation occurring in the workplace or in the conduct of University business.

VIOLATIONS

Violations of the standards of conduct will be dealt with on a case-by-case basis following the policies and procedures applicable to, as appropriate, faculty, staff or students. Sanctions may include, among other things, reprimand, warning, suspension, probation, expulsion or termination. Referral to an appropriate assistance or rehabilitation program also may be appropriate. Referral for prosecution will occur for serious violations. The Drug-Free Workplace Act requires the University: (1) within 10 days after receiving notice that an employee has been convicted of any criminal drug statute violation occurring in the workplace or in the conduct of University business, to notify appropriate government agencies of such conviction; and (2) within 30 days after receiving such notice, to take appropriate personnel action against such employee up to and including termination and/or to require the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program.

AUTHORIZED USE OF PRESCRIBED MEDICINE

Faculty and staff members undergoing prescribed medical treatment with any drug that interferes with their work activity must report this treatment to their supervisor. Prescribed medication should be kept in its original container, which identifies the drug, date, and prescribing doctor.

DRUG AND ALCOHOL COUNSELING, TREATMENT OR REHABILITATION OR RE-ENTRY PROGRAMS

Early recognition and treatment of drug or alcohol abuse are important for successful rehabilitation, and for reduced personal, family and social disruption. Washington University encourages the earliest possible diagnosis and treatment

for drug and alcohol abuse, however, the decision to seek diagnosis and accept treatment for drug or alcohol abuse is the responsibility of the individual. The University encourages faculty, staff and students to seek assistance in dealing with a substance abuse problem, or those problems of a family member, by contacting available resources. University resources include Student Health Services (Danforth Campus, 314-935-6666); Student and Employee Health (School of Medicine, 314-362-3523), the Psychological Service Center (314-935-6555), the Department of Psychiatry (314-362-7002), and the Employee Assistance Program/Work-Life Solutions (844-365-4587).

Numerous non-University counseling programs exist in the St. Louis metropolitan area. Many programs advertise extensively in local media. Consultation with one's personal physician is advised prior to self-referral to such non-University programs. For further information regarding referral to such programs, contact the Student Health Services, School of Medicine Student and Employee Health, or your private physician.

HEALTH RISKS

Alcohol and drugs can alter a person's thinking and judgment, and can lead to health risks, including addiction, drugged driving, infectious disease, and adverse effects on pregnancy. Information on commonly used drugs with the potential for misuse or addiction and the associated health risks can be found at <https://nida.nih.gov/research-topics/commonly-used-drugs-charts>.

LEGAL SANCTIONS

Drugs: The manufacture, possession, sale, distribution, and use of controlled substances are prohibited by federal, state and local law; punishments range from fines to life imprisonment. Chapter 579 of the Missouri statutes prohibit these actions, and the associated penalties are found in Chapter 558 of the Missouri statutes, which range from a fine up to \$2,000 for a misdemeanor or \$10,000 for a Class C, D, or E felony or imprisonment from fifteen days to life depending on the nature of the offense. The Federal Controlled Substances Act prohibits the knowing, intentional, and unauthorized manufacture, distribution, or dispensing of any controlled substance or the possession of any controlled substance with intent to manufacture, distribute, or dispense. A detailed description of the penalties associated with illegal drug trafficking is provided in the Federal Trafficking Penalties chart, published by the U.S. Department of Justice's Drug Enforcement Administration, found at <https://www.dea.gov/drug-information/drug-policy>. In addition, federal penalties for Simple Possession of a controlled substance can be found in 21 U.S. Code Section 844.

Alcohol: Missouri's Liquor Control Law found in Chapter 311 of the Missouri statutes makes it illegal for a person under the age of 21 years to purchase, attempt to purchase, or possess any intoxicating liquor (Section 311.325, RSMo). It is also illegal for certain individuals to provide intoxicating liquor to a person under the age of 21 (Section 311.310, RSMo). Violation

of this provision can result in a fine between \$50 and \$1,000 and/or imprisonment for a maximum term of one year. County and municipality ordinances contain similar prohibitions and sanctions.

LOSS OF WORKERS' COMPENSATION BENEFITS

The Missouri Workers' Compensation Act requires the forfeiture of benefits or compensation otherwise payable to an employee when the use of alcohol or non-prescribed controlled drugs is the proximate cause of the employee's injury. At a minimum, the Act provides for a reduction in benefits or compensation when the employee is injured while using alcohol or non-prescribed controlled drugs.

TESTING REQUIREMENT FOR COMMERCIAL DRIVERS LICENSES (CDLS)

To meet requirements of the U.S. Department of Transportation (DOT), the University has established a drug and alcohol testing program for its employees who are drivers of its commercial motor vehicles requiring commercial driver's licenses (CDLs), and who perform safety-sensitive functions, e.g., operate a vehicle requiring the display of hazardous material placards. This drug and alcohol testing program also applies to applicants selected for hire for designated safety-sensitive positions. Participation in the drug and alcohol testing program is a condition of employment for these positions. This program requires pre-employment drug testing as well as DOT mandated random testing of current employees who are required to have CDLs. Questions regarding this requirement may be directed to the Designated Employee Representative for this program or to Human Resources.

ACCIDENTS INVOLVING UNIVERSITY-OWNED VEHICLES

The University reserves the right to require that an employee undergo immediate drug and/or alcohol testing if the employee is involved in a vehicular accident while driving a University owned vehicle.

REASONABLE CAUSE

When the University has reasonable grounds to suspect that an employee unlawfully manufactured, distributed, possessed or used controlled substances, alcohol or drug paraphernalia on University property or at any of its activities, the University reserves the right to inspect the employee's locker, desk, or other University property under the control of the employee.

WORKPLACE DRUG TESTING

Pre-employment Drug Testing where required by law, or a strong business case exists to protect the safety and welfare of the University and its faculty, staff, students, patients, and other members of the Medical School community, a pre-employment drug screen will be performed on final candidates for certain positions. Generally, all direct patient care and most patient-facing positions require successful completion of the urine drug screen. Positions which require

specific drug testing will be identified in the job posting. In addition, the hiring manager will notify the final candidate when this requirement exists and post a contingent offer acceptance, will work with the Office of Human Resources to conduct the steps necessary to obtain a valid, confidential drug screen.

REASONABLE CAUSE

Inspection: When the University has reasonable grounds to suspect that an employee unlawfully manufactured, distributed, possessed, or used controlled substances, alcohol, or drug paraphernalia on University property or at any of its activities, the University reserves the right to inspect the employee's locker, desk, or other University property under control of the employee.

FOR CAUSE DRUG TESTING

With Human Resources approval and under the following circumstances, an employee may be required to be tested to determine the presence of drugs or alcohol in an employee's system:

1. When there is reasonable suspicion that an employee is under the influence of drugs or alcohol;
2. When the employee has been involved in an on-the-job accident or near accident while on University property or business and there is reasonable suspicion that drugs or alcohol may have been a contributing factor;
3. When the employee is working in a position where public safety is at risk;
4. When monitoring the adherence to a required rehabilitation treatment program and up to two years after completion of the program. If an employee is asked to take a drug test, the supervisor should contact Human Resources and a plan will be made to escort the employee to BarnesCare where sample collection will take place. The employee's department will assume the cost of the test.

Procedure: Contact the Office of Human Resources - Employee Relations (employeerelations@wustl.edu) for process steps.

Washington University Student Conduct Code

<https://studentconduct.washu.edu/policy/student-conduct-code/>

I. General Principles

A. Purpose: Washington University in St. Louis is a community that embraces our mission to act in the service of truth through the formation of leaders, the discovery of knowledge and the treatment of patients for the betterment of our region, our nation, and our world. In support of this mission, it is expected that our Students strive for personal and academic integrity, treat others with dignity and respect, and act as responsible citizens as members of our University community.

The Washington University in St. Louis Student Conduct Code (“the Code”) sets forth community standards and expectations for University Students. These community standards and expectations are intended to foster an environment conducive to working, learning and inquiry. Each Student is held to the expectations outlined in the Code.

Freedom of thought and expression as well as respect for different points of view are essential to the University’s academic mission. Nothing in the Code should be construed to limit the lawful, free and open exchange of ideas and viewpoints, even if that exchange proves to be offensive, distasteful or disturbing to some. However, such speech must conform to University policies.

The Code also describes general procedures that may be used to ensure that these standards and expectations are upheld by all Students. The University is committed to ensuring that Students adhere to University policies, take responsibility for their actions and recognize how their choices may affect others.

B. Inherent Authority of the University: Nothing in the Code should be construed as limiting the University’s inherent authority to take necessary and appropriate action to (1) further its mission and (2) protect the working and learning environment and the safety and well-being of the University community. The responsibility of Student Conduct Administrators and Decision-Makers is concurrent with that of the administration of the University and does not displace the University’s administrative responsibility to address instances of discrimination, harassment and threats to individuals or property. Furthermore, the authority and procedures described in the Code supplement, but do not supersede, rights retained by the University in its housing and residential life contracts and leases.

C. Interpretation of the Code and Standards of Conduct: The Code is not a civil or criminal legal code. It is intended to provide general notice to Students on our expectations and describe the types of behavior that conflict with University standards. Importantly, the Code’s provisions are not designed to be exhaustive; the Code should be read broadly.

D. Scope of the Code:

1. Students and Student Groups are subject to student conduct procedures if they engage in behavior that

occurs (1) on-Campus; or (2) off-campus when such behavior disrupts or adversely affects the University community and/or surrounding neighborhoods off-campus in addition to the pursuit of the University’s objectives.

2. The University reserves the right to investigate and respond to any report of an alleged violation of the Code occurring on or off Campus and alleged to have been committed by:

a. A Student or Student Group.

b. Any person who has accepted an offer of admission as a Student extended by any School at the University and is expected to be an incoming Student.

c. Any person who is not currently enrolled as a Student but has a continuous relationship with the University, including but not limited to continuing to reside in University property, or who is on an approved leave of absence or studying abroad through direct enrollment at another institution.

d. Any person who is not currently enrolled as a Student but is accused of an academic integrity violation allegedly committed while enrolled as a Student.

E. Proceedings: Student Conduct Code proceedings are intended to be informal, fair and timely. Procedures governing criminal or civil courts, including formal rules of evidence, are not applicable. Deviations from the procedures set forth in the Code or as provided by a Decision-Maker do not invalidate a proceeding or decision unless such deviation clearly results in significant prejudice to a Student Complainant, a Respondent or the University.

F. Violation of Local, State or Federal Law: Students or Student Groups may be accountable to both governmental authorities and to the University for acts that constitute violations of both applicable law and the Code. The University may refer a Student or Student Group to appropriate law enforcement agencies if it believes the alleged conduct at issue may constitute a violation of law.

Student Conduct Code proceedings at the University will not be subject to challenge on the grounds that criminal charges involving the same incident have been filed, prosecuted, dismissed, reduced or otherwise resolved by governmental authorities, or that such proceedings constitute double jeopardy (or a similar equivalent).

G. Violation of Other University Policies: Students alleged to have violated certain other University policies (e.g., the Research Integrity Policy) may be subject to proceedings under the Student Conduct Code as well as procedures and determinations pursuant to that other policy. Student Conduct Code proceedings will not be subject to challenge on the grounds that other

charges involving the same incident have been filed or resolved, or that such proceedings constitute double jeopardy.

H. Time Limitations for Bringing a Complaint: Except as set forth herein, a Complaint alleging a violation of the Code may be brought at any time so long as the Respondent is a current Student at the University, as defined in section II, and has not completed their program at the University and the University has not conferred their degree. Complaints alleging an academic integrity violation, however, may be brought against any current or former Student at any time. Potential Complainants are reminded that the University's ability to effectively investigate Complaints can be hampered or negated by the passage of time. Potential Complainants are therefore encouraged to file Complaints in a timely manner.

I. Amendment of the Code: The University reserves the right to add to, modify or otherwise revise or amend the Code, as well as any policies and procedures set forth herein, at its sole discretion and without notice. Substantive changes to the Offenses under the Code (see section III) generally will not apply retroactively.

II. Definitions

A. Administrative Hearing: A procedure whereby a Student Conduct Administrator investigates and determines whether a Student is responsible or not responsible for one or more alleged Code Offenses and imposes Sanctions, if appropriate.

B. Academic Integrity Board (AIB): An appointed body that hears and decides on Complaints involving allegations of academic misconduct that are referred to it by Academic Integrity in the Office of the Provost.

C. Business Day: Any weekday on which the University is in operation and that is not a holiday designated on the University's official calendar.

D. Campus: All property owned, leased, managed or rented by the University or a subsidiary of the University.

E. Complainant: The University Community Member who initiates a Complaint alleging behavior that may constitute a Code Offense. Representatives of the University (e.g., Dean of Students, Residential Life, Washington University Police Department) may serve as a Complainant based on one or more reports received from faculty, staff, Students or third parties.

F. Complaint: A written submission reporting behavior by a Student or Student Group alleged to be in violation of the Code to the Office of Student Conduct and Community Standards or other University office designated to accept Complaints under the Code. A Complaint can be filed by any University Community Member. In cases administered by the Gender Equity and Title IX Compliance Office, third parties may file a Complaint if the alleged behavior and accused Student Respondent are within the scope and jurisdiction of both the Code and the Gender Equity and Title IX grievance procedures.

G. Consent: Consent consists of mutually understandable words and/or actions which indicate that an individual has freely chosen to engage in sexual activity. In the absence of such words and/or actions, Consent does not exist. Consent may not be inferred from silence, passivity, lack of physical resistance, or lack of verbal refusal alone. Consent to engage in sexual activity must be knowing and voluntary. For example, sexual activity is not knowing and voluntary and therefore not consensual when any participant is physically forced, passed out, asleep, unconscious, or beaten.

Sexual activity is also not knowing and voluntary and therefore not consensual if it is the result of coercion. A person's words or conduct amount to coercion if they eliminate the other person's ability to choose whether or not to engage in sexual activity. Examples of coercion could include the following, so long as the conduct rises to a level that eliminates the other person's ability to choose whether to engage in sexual activity: threats (express or implied) of substantial emotional or psychological harm or any physical harm, confinement, or other similar conduct.

Consent to engage in sexual activity must exist from the beginning to end of each instance of sexual activity, and for each form of sexual contact. Consent may be withdrawn by either party at any time.

An individual who is incapacitated is unable to give Consent. In such circumstances, the Respondent will be held responsible if the Respondent either knew or a reasonable person in the same position would have known that the other party was incapacitated and therefore could not Consent to the sexual activity.

Incapacitation is the inability, temporarily or permanently, to give Consent because the individual is mentally and/or physically helpless due to a medical condition or the voluntary or involuntary consumption of drugs and/or alcohol, or the individual is unconscious, asleep, or otherwise unaware that the sexual activity is occurring.

H. Decision-Maker: An individual or a panel designated by the University to review a Complaint and determine whether it is more likely than not that a Respondent has engaged in behavior that constitutes a Code Offense. Decision-Makers may include, but are not limited to, Student Conduct Administrators, the Student Conduct Board, the University Sexual Harassment Investigation Board and the Academic Integrity Board.

I. Panel Hearing: A procedure presided over by a Chair at which the relevant panel considers a Complaint alleging a violation of the Code, determines if a Respondent is responsible or not responsible for an alleged Code Offense and, if applicable, imposes Sanctions.

J. Hold: An administrative action that prevents a Student from registering for classes, dropping or adding courses, withdrawing, changing grade options after registration and obtaining an official transcript.

- K. Notice of Complaint: Written notice to a Student that includes a brief description of the reported behavior alleged to be in violation of the Code, a statement of the Code Offenses that are at issue and information regarding the procedures to be followed.
- L. Pre-Hearing: A meeting held in advance of a Student Conduct Board (SCB) Panel Hearing presided over by the SCB Chair and generally attended by the Respondent, the Complainant and their respective Support Persons; and a representative from the Office of Student Conduct and Community Standards and from the Office of General Counsel. During the Pre-Hearing, the Respondent and Complainant are given opportunities to discuss their proposed list of Witnesses and documents, and to introduce any evidence supporting their positions. Any matters that may require resolution by the Student Conduct Board Chair prior to the SCB Panel Hearing are discussed as well.
- M. Preponderance of Evidence: The “more likely than not” standard used by a Decision-Maker when evaluating the evidence and determining whether a Respondent is or is not in violation of the Code. A Respondent will be found to have violated the Code if the evidence demonstrates that it is more likely than not that the Respondent committed the Offense.
- N. Respondent: A Student, or a Student Group, alleged to have violated the Code.
- O. Sanction: A measure, or measures, imposed against a Respondent who has been found by a Decision-Maker to have violated the Code.
- P. Student: Any person who is registered in one or more courses for academic credit in an undergraduate or graduate-level degree-seeking program offered by a School of Washington University or who is otherwise engaged in activities pursuant to the degree program requirements. If also registered as Students, teaching/ research assistants and assistants in instruction are classified as Students for purposes of the Code.
- Q. Student Conduct Administrator: A person or an administrative unit of the University whose responsibilities include the administration of procedures under the Student Conduct Code. Student Conduct Administrators may include, but are not limited to, staff in University offices such as the Office of Student Conduct and Community Standards, the Department of Campus Life, the Gender Equity and Title IX Compliance Office, the Office of Residential Life, Academic Integrity in the Office of the Provost and graduate School administrators for academic integrity cases.
- R. Student Conduct Board (SCB): An appointed body that hears and decides on Complaints referred to it by the Office of Student Conduct and Community Standards or a Student Conduct Administrator in another University office or department.
- S. Student Conduct Board (SCB) Chair: The member of the Student Conduct Board (SCB) who presides over all SCB Pre-Hearings and Hearings conducted before the SCB and issues written decision letters. The SCB Chair also serves as the appellate officer and rules on appeals of decisions made by the Office of Student Conduct and Community Standards and by other University bodies, as necessary.
- T. Student Group: Any organization of two or more Students that (1) is recognized by the University, Campus Life, Student Union, Congress of the South 40, Department of Athletics, Interfraternity Council, Women’s Panhellenic Association, Graduate-Professional Student Council or any of the University’s Schools or that (2) utilizes or seeks to utilize Campus space.
- U. Support Person: Any one person chosen by a Respondent, Complainant or Witness to accompany them at any meeting or interview throughout the student conduct procedure. A Support Person serves at the Student’s own expense, if any, and may include, for example, a friend, faculty member, advisor or parent. The Support Person’s role is to provide support, advice or assistance to the person requesting their presence. The Support Person is not permitted to actively participate in any part of the procedure and may not serve as a fact Witness or a party in the proceedings. Therefore, if the individual personally witnessed the events at issue or has other first-hand information relevant to the factual circumstances, they may not serve as a Support Person.
- V. University Community Member: Any Washington University faculty member, Student or employee.
- W. University Sexual Harassment Investigation Board (USHIB): Hears cases referred to it by the Gender Equity and Title IX Compliance Office involving allegations of sexual harassment, sexual assault, dating and/or domestic violence, stalking based on sex and other sexual misconduct that may be in violation of the Code.
- X. Witness: A person who may have knowledge about or other information related to a Complaint charging a violation of the Student Conduct Code.

III. Offenses

- A. Any Student or Student Group that aids, conspires with, attempts or agrees to commit or protect a Student who commits a Code Offense may be held accountable and sanctioned to the same extent as the Student who has committed the Offense.
- A Student or Student Group may also be held accountable for the conduct of any visitor who engages in an act that is prohibited by the Code.
- The following Offenses by a Student or Student Group are subject to student conduct procedures under the provisions of the Code.
1. Academic Integrity: Academic or professional misconduct includes, but is not limited to, cheating, plagiarism, fabrication of data or records, impermissible

collaboration, résumé or credential falsification, unauthorized use of resources, violation of test-taking conditions or otherwise engaging in activity prohibited by the University or applicable School's Academic Integrity and Professional Integrity policies.

- a. Plagiarism: Plagiarism consists of taking someone else's ideas, words or other types of work product and presenting them as one's own. A Student should not use, copy or paraphrase the results of another person's work or material generated by artificial intelligence and represent that work as their own, regardless of the circumstances.
- b. Cheating on an Examination: A Student must not receive or provide any unauthorized assistance on an examination. During an examination a Student may use only materials authorized by the faculty.
- c. Copying or Collaborating on Assignments without Permission: When a Student submits work with their name on it, this is a written statement that credit for the work belongs to that Student alone. Unless the instructor explicitly states otherwise, it is dishonest to collaborate with others when completing any assignment or test, performing laboratory experiments, writing and/or documenting computer programs, writing papers or reports and completing problem sets.
- d. Fabrication or Falsification of Data or Records: It is dishonest to fabricate or falsify data in laboratory experiments, research papers, reports or in any other circumstances; to fabricate source material in a bibliography or "works cited" list; or to provide false information on a résumé or other document in connection with academic efforts. It is also dishonest to take data developed by someone else and present them as one's own.
- e. Other Forms of Deceit, Dishonesty, or Inappropriate Conduct: Under no circumstances is it acceptable for a Student to:
 - i. Submit the same work, or essentially the same work, for more than one course without explicitly obtaining permission from all instructors. A Student must disclose when a paper or project builds on work completed earlier in their academic career.
 - ii. Request an academic benefit based on false information or deception. This includes requesting an extension of time, a better grade or a recommendation from an instructor.
 - iii. Make any changes (including adding material or erasing material) on any test paper, problem set, or class assignment being submitted for a re- grade.
 - iv. Willfully damage the efforts or work of other Students.
 - v. Steal, deface or damage academic facilities or materials.

- vi. Collaborate with other Students planning or engaging in any form of academic misconduct.
- vii. Submit any academic work under someone else's name other than their own. This includes but is not limited to sitting for another person's exam; both parties will be held responsible.
- viii. Violate any rules or conditions of test-taking or other course assessment (e.g., bringing materials or devices into an exam room when disallowed).
- ix. Knowingly making false allegations of academic misconduct against another Student.
- x. Engage in any other form of academic misconduct not covered here.

2. Disruptive Conduct

- a. Conduct that unreasonably interferes with the rights of other University Community Members or visitors to the University to engage in educational, recreational, residential, administrative, professional, business and ceremonial or other activities.
- b. Conduct that is unreasonably disruptive, disorderly, or disturbs the peace or incites others to engage in such behavior (1) on University-owned or affiliated premises, (2) at functions sponsored or participated in by Washington University or a Washington University Student Group or (3) off campus in surrounding neighborhood.
- c. Conduct that is lewd or indecent.

3. Physical Assault

- a. Physical assault.
- b. Threatening physical assault.

4. Harassment and Bullying

- a. Harassment as defined in the University's Discrimination and Harassment Policy: <https://wustl.edu/about/compliance-policies/governance/discrimination-and-harassment/>
- b. Sexual harassment as defined in the University's Discrimination and Harassment Policy: <https://wustl.edu/about/compliance-policies/governance/discrimination-and-harassment/>
- c. Stalking.
- d. Any other conduct that is harassing, threatening, bullying or endangers the safety or health of a University Community Member or a University visitor.

5. Sexual contact: Sexual contact with any University Community Member or visitor to the University without that person's Consent, including but not limited to rape and other forms of sexual assault.

6. Hazing: Hazing as defined in the University's Hazing Policy: <https://studentconduct.washu.edu/policy/hazing/>.

7. Weapons and Explosives: Possession (concealed or otherwise), manufacture, storage, threat of use or use on Campus of firearms or anything resembling a real weapon; possession or use of explosives, explosive fuels, fireworks, dangerous chemicals or other dangerous weapons; or engaging in actions otherwise in violation of the University's Weapons Policy, except as specifically authorized in advance by the Washington University Police Department and appropriate University officials in accordance with University policy.

8. Narcotics, Other Controlled Substances and Prescription Medications

- a. Possession or use of medical or recreational cannabis on Campus or at off-campus events and activities sponsored by the University.
- b. Possession or use of narcotics or other controlled substances, including prescription medication, except as expressly permitted by federal law.
- c. Manufacture of cannabis or narcotics or other controlled substances.
- d. Distribution or facilitation of distribution of narcotics or other controlled substances, including prescription medication.
- e. Possession of drug paraphernalia.

9. Smoking and Tobacco Policy: Smoking, vaping and otherwise consuming tobacco products within any University building and on University property and any additional smoking and tobacco usage as defined in the Tobacco Free Policy: <https://washu.edu/policies/tobacco-free-policy/>.

10. Alcoholic Beverages

- a. Possession or consumption of alcoholic beverages by a Student in violation of the law.
- b. Distribution or sale of alcoholic beverages, except as expressly permitted by law and by University policy.
- c. Possession or use of common-source containers on Campus, including but not limited to, BORGs, kegs, mini kegs, trash cans, tubs or any similar containers of alcohol.
- d. Manufacture of alcohol on Campus.
- e. Alcohol abuse, including being involved, facilitating, arranging, or participating in extreme alcohol consumption activity that constitutes, facilitates, or encourages competitive, rapid or excessive consumption of alcohol.

11. Unauthorized Use of University Resources: Unauthorized or fraudulent use of the University's resources, including, but not limited to, facilities, telephone system, mail system, electronic communication devices, electronic databases, course management programs and computer systems, or use of any of the above for any illegal act.

12. False Information

- a. Knowingly furnishing false information to a University official or anyone acting on the University's behalf.
- b. Falsifying information in applications for admission or financial aid.
- c. Intentionally passing an insufficient funds check or fraudulent money order or other fraudulent payment to satisfy a financial obligation to the University.
- d. Filing a false police report.
- e. Knowingly making a false claim with the intent of fraudulently representing the University or a Student Group of the University.

13. Obstruction of Student Conduct Procedures

- a. Preventing or attempting to prevent another person from reporting an alleged violation of a University policy or the Code.
- b. Intentional falsification, distortion, misrepresentation of information, defiance or belligerence before any Student Conduct Administrator or any Decision-Maker of the University, as well as knowingly filing a false Complaint against a Student or Student Group.
- c. Failure to appear before the Student Conduct Board, University Sexual Harassment Investigation Board, Office of Student Conduct and Community Standards, Student Conduct Administrator or any University administrative personnel as directed.
- d. Conduct that hinders, disrupts, interferes or attempts to influence another person to disrupt the procedures set out under the Student Conduct Code or other University policies or procedures.
- e. Failure to comply with a directive or complete a Sanction imposed by a Decision-Maker.
- f. Attempting to influence, harass or intimidate a Student Conduct Administrator, Decision-Maker, Witness, or other person involved in an investigation or Hearing conducted by the University.

14. Retaliation: Retaliation toward an individual who has made a report or is cooperating with a University investigation.

15. Identification

- a. Refusing to self-identify upon reasonable request by an appropriate university official or designee.
- b. Providing a false University identification card or other identification to an appropriate University official or designee upon reasonable request.
- c. Manufacturing, using or possessing false identification, including another person's identification.

16. Failure to Comply: Failure to comply with a reasonable and lawful request of University officials or designees acting in an official capacity.

17. Theft and Attempted Theft
 - a. Taking or using any University, public or private property without proper authorization.
 - b. Knowingly possessing stolen property.
18. Unauthorized Recording: Recording, attempting to record, sharing, publishing or distributing unauthorized video or photographic images of one or more persons taken in locations where there is a reasonable expectation of privacy or where otherwise prohibited by the University, including but not limited to prohibition by faculty in their courses.
19. Unauthorized Entry and Property Damage
 - a. Unauthorized entry into any University, public or private property.
 - b. Deliberate destruction of, damage to, malicious use of or abuse of any University, public or private property.
20. Violation of University Policy: Knowingly or recklessly violating a published University policy, rule or regulation; or participating in conduct that one should reasonably know to be a violation of a published University policy, rule or regulation, including, but not limited to, Residential Life Policies and Procedures, Campus Life Student Group policies, and Parking and Transportation Rules and Regulations.
21. Fire and Life Safety Violations
 - a. Intentionally or recklessly disabling, removing, covering, hanging items from or otherwise tampering with safety devices, including, but not limited to, exit-door alarms, emergency telephones, fire-safety equipment, smoke detectors, sprinklers, closed-circuit television systems, emergency notification systems, and identification-card and door-access systems.
 - b. Intentionally or recklessly causing or attempting to cause a fire or explosion.
 - c. Intentionally or recklessly causing the activation of a fire alarm.
 - d. Failing to comply with emergency notification directives, including the requirement to evacuate a building during a fire alarm (including a fire drill) or directives given during a tornado.
22. Criminal Charges: Formally convicted of or found guilty of a crime such that the Student's continued presence on the University Campus poses a substantial threat to the ability of others to continue their normal University functions and activities.

B. Student Groups

Student Groups and their officers may be held responsible for violations of the Code, and for violations of Campus Life policies, committed by any of their members or by others associated with the Student Group

or organization in the event that the Student Group or its leaders, officers or spokespersons have given implied or overt consent or encouragement to the member alleged to have violated the Code.

IV. Administration of the Code

- A. The Student Conduct Code is administered by the offices and bodies set out below.
 1. Office of Student Conduct and Community Standards
 - a. The Office of Student Conduct and Community Standards (OSCCS) oversees the administration of the University's Student Conduct Code. OSCCS staff serve as Student Conduct Administrators; in this role, they review all Complaints alleging a Code violation that are submitted to OSCCS.
 - b. Following initial review, OSCCS investigates and adjudicates the Complaint through an Administrative Hearing, or refers the Complaint to the Student Conduct Board or to another University office (see below) for adjudication.
 - c. If OSCCS retains the Complaint, the assigned Student Conduct Administrator investigates the facts of the Complaint and an Administrative Hearing is held. Complaints investigated and heard by OSCCS are governed by procedures posted on the OSCCS website.
 - d. If, as a result of the evidence presented, including the testimonies of the Complainant, the Respondent and any Witnesses, the Student Conduct Administrator determines that it is more likely than not that the Respondent has committed the alleged violation of the Code, OSCCS will impose appropriate Sanctions. OSCCS is not authorized to suspend, expel or otherwise directly terminate the status of a Student, unless by agreement with the Student.
 2. Other Student Conduct Administrators: Representatives of a number of other University offices may serve as Student Conduct Administrators responsible for reviewing and adjudicating Complaints alleging violations of the Code. These offices include the Department of Campus Life, the Gender Equity and Title IX Compliance Office, the Office of Residential Life, Academic Integrity in the Office of the Provost, and the School of Medicine's Office of Medical Student Affairs, as well as some Schools and their Deans.
 3. Student Conduct Board
 - a. An assigned panel from the Student Conduct Board (SCB) hears and decides cases referred to it by OSCCS or a Student Conduct Administrator in another University office. Procedures for SCB Panel Hearings are posted on the OSCCS website. The SCB also performs other duties as called for by the Code.

- b. The SCB has the authority to suspend, expel or otherwise directly terminate the status of a Student.
 - c. SCB members, selected from faculty, staff and Students, are appointed for a two-year term by OSCCS and may be reappointed. OSCCS consults with and seeks nominations from the Faculty Senate Council, Student Union, Graduate-Professional Student Council, Vice Chancellor for Student Affairs and Human Resources. OSCCS retains final authority to select SCB members and SCB Chairs. Members may be reappointed. Members of the Faculty Senate Council, Student Union Executive Council, officers of the Graduate-Professional Student Council, and officers of the University will not serve on the SCB.
 - d. The SCB Chair, a University staff or faculty member, is appointed by OSCCS and may serve without limitation for consecutive terms. The Chair presides over all SCB procedures.
 - e. OSCCS selects SCB panel members to be convened for a SCB Panel Hearing which will include three members, including the SCB Chair. OSCCS determines which SCB members will comprise the panel for each case. A Student member will comprise a portion of the Hearing panel in every case. Reasonable attempts are made to designate peer representation of a graduate or undergraduate Student member on every Hearing panel.
4. The Gender Equity and Title IX Compliance Office and the University Sexual Harassment Investigation Board
- a. The Gender Equity and Title IX Compliance Office (GETIXCO) receives and investigates Complaints that involve allegations of sex-based discrimination, sexual assault, sexual harassment, dating violence, domestic violence, or stalking based on sex. GETIXCO either investigates and adjudicates the Complaint or, in its discretion, may refer the Complaint to another appropriate University office, Hearing body, or Student Conduct Administrator (e.g., OSCCS, SCB, USHIB, the Office of Institutional Equity or Human Resources) for investigation and/or Hearing. If GETIXCO or its designee investigates a Complaint against a Student Respondent and a violation is found, GETIXCO may impose appropriate Sanctions.
 - b. The University Sexual Harassment Investigation Board (USHIB) is composed of faculty, staff, and Student members.
 - c. Complaints investigated and heard by a USHIB panel or GETIXCO are governed by separate investigation and hearing procedures found on the GETIXCO website. Complaints may allege other violations of the Code, in which case GETIXCO or the USHIB may investigate and exercise jurisdiction over such Complaints in their entirety, as long as the additional charges arise out of the same set of facts and circumstances or are related to the alleged incident(s). The USHIB may elect to refer the other charges to GETIXCO, OSCCS or SCB for Hearing and resolution.
5. Academic Integrity in the Office of the Provost and the Academic Integrity Board
- a. Academic Integrity in the Office of the Provost receives and investigates Complaints that involve allegations of misconduct in violation of University (or a School's) academic or professional integrity policies. Academic Integrity in the Office of the Provost either investigates and adjudicates the Complaint or, in its discretion, may refer the Complaint to another appropriate University office, Hearing body, or Student Conduct Administrator (e.g., OSCCS, AIB, SCB) for investigation and/or Hearing. If Academic Integrity in the Office of the Provost, or their designee, investigates a Complaint against a Respondent and a violation is found, Academic Integrity in the Office of the Provost or AIB may impose appropriate Sanctions.
 - b. The AIB is composed of faculty and Student members.
 - c. Complaints investigated and heard by Academic Integrity in the Office of the Provost or the Academic Integrity Board are governed by investigation and hearing procedures that are posted on the Academic Integrity webpage on the Office of the Provost's website. Complaints may allege other violations of the Code, in which case Academic Integrity in the Office of the Provost or the AIB may investigate and exercise jurisdiction over such Complaints in their entirety as long as the additional charges arise out of the same set of facts and circumstances or are related to the alleged incident of academic or professional misconduct. The AIB may also refer the other charges to another appropriate University body for investigation and adjudication.
 - d. In the event of a determination by the Academic Integrity Board that it is more likely than not that a Student committed a violation of the Code, Sanctions are imposed according to the applicable procedures and may include suspension or expulsion.
6. Authority of Schools Over Graduate and Graduate Professional Students
- a. Each School at the University may establish an academic integrity officer and/or a panel to hear and

decide cases of alleged academic or professional misconduct by its graduate or graduate professional Students. Schools that so choose are required to create procedures to govern the process of investigating and adjudicating the Complaints filed.

- i. The School Dean, or a designee, determines the composition of such a panel and the scope of the panel's authority, which will not exceed the parameters set out immediately below.
 - ii. The panel has authority to impose or recommend appropriate Sanctions to the School Dean, including suspension or expulsion, if academic or professional misconduct is determined.
 - iii. Appeals of decisions made by an academic and professional integrity panel of a School may be made to the School Dean, whose decision is final. This includes decisions of a School's academic and professional integrity panel where the panel is vested with such authority, and the panel's decision is to impose the Sanctions of suspension or expulsion. Schools are permitted, but not required, to establish an intermediate level of appeal that must be completed before a final appeal to the Dean.
 - iv. Except for cases falling within Section IV.A.6.a(3) above, any appeal from a decision of a Dean of a School to suspend or expel a Student will be made in accordance with the provisions of Section VI of the Code.
- b. If a School does not establish an academic integrity officer or panel or if an established officer or panel fails to function, Complaints of academic or professional misconduct against graduate or graduate professional Students may be heard by Academic Integrity in the Office of the Provost, the Academic Integrity Board or the Student Conduct Board.

B. Internal Student Group Procedures: Some Student Groups have established procedures that they use to determine if a member has violated the group's expectations of its members and/or internal policies, as well as apply appropriate remedies for Student members. The University regards it as essential that such procedures, investigations and remedies be conducted in a fair manner.

Student Groups are strictly prohibited from taking any investigative or other actions with regard to allegations of sexual harassment, sexual assault or other alleged violations that are the exclusive responsibility of the Gender Equity and Title IX Compliance Office.

C. Temporary Appointments: In the event that Student Conduct Administrators or other individuals with roles in investigating and adjudicating alleged violations of the Student Conduct Code are unavailable to serve

as described above, the Vice Chancellor for Student Affairs, Provost, Dean of Students, Dean of a School or their designees may serve as the Student Conduct Administrator or appoint an appropriate University official to serve temporarily in that capacity.

V. Sanctions

- A. Subject to the limitations described below in paragraph V.C.7., a Sanction may be imposed following a determination that a violation of the Code has occurred. A Student's entire academic record, Student conduct record, and criminal history, if appropriate and relevant, may be considered in determining the appropriate Sanction. The Respondent is responsible for any costs associated with a Sanction.
1. **Warning:** A written notice of a Code violation finding and that a continuation or repetition of the violation will result in a more severe Sanction.
 2. **Written Reprimand:** A written reprimand from the Decision-Maker, as well as a second notice that a continuation or repetition of the violation will result in a more severe Sanction.
 3. **Probation:** A specific period of time during which the Student may be expected to complete an additional Sanction or may be restricted from participating in specified University programs and activities. A continuation or repetition of the violation will result in a more severe Sanction.
 4. **Suspension:** Removal from Student status at the University for a specified period of time (see also V.B., below).
 5. **Expulsion:** Permanent removal from Student status at the University (see also V.B., below).
 6. **Restitution:** Reimbursement for actual damage or loss resulting from the violation through appropriate monetary compensation as determined by the University.
 7. **Educational Assignments (Educational Remedies):** Required activities and submissions that may include, but are not limited to, participation in workshops, trainings, educational classes and panel discussions; meetings with University officials or other specified persons; completion of any subsequent educational requirement; and composing letters of apology, research papers or reflective essays.
 8. **Alcohol/Drug Wellness Meeting:** Participation in a wellness meeting with a Habif Alcohol and Other Drug Health Educator for supportive education and assistance in setting personal goals for substance use.
 9. **Activity Restriction:** Ineligibility for participation in some or all elected and appointed positions within the University, as well as ineligibility for participation in University-recognized activities for a specified period of time.

10. Facility Access Restriction: Exclusion from some or all University owned or leased facilities and grounds, including but not limited to housing, athletic and recreation facilities or grounds, for a specified period of time.
 11. Housing Probation: Notice that any further violation of the Code or other stipulations of the Housing agreement may result in termination of the Student's Housing contract and their removal from Residential Life Housing.
 12. Temporary Removal from University Housing: Temporary removal and ineligibility to reside in University Housing—including off-campus University-owned, -leased, -managed or -rented apartments—for a specified period of time.
 13. Permanent Removal from University Housing: Removal and permanent ineligibility to reside in University Housing, including off-campus University-owned, -leased, -managed or -rented apartments.
- B. Conditions of Suspension and Expulsion
1. A Student who is suspended or expelled is not permitted to be on Campus for any reason, including to attend on- or off-campus University-sponsored events, or to be in any University-owned, -leased, - managed or -rented property.
 2. A Student who is suspended is prohibited from applying any academic credit for coursework, internships or study abroad earned during the period of suspension, completed at the University or elsewhere, toward a degree from the University.
 3. A Student who is suspended after completing all degree requirements but before degree conferral will not be awarded a degree until their period of suspension is over. Additionally, a Student may not participate in Commencement exercises until the period of suspension is over.
 4. In the event that a suspension and an academic time away or medical leave of absence occur simultaneously, the suspension and time away/leave of absence will occur consecutively, not concurrently.
 5. If the University is contacted by another institution of higher education or by a future employer, agency or entity conducting a background check or investigation, the details surrounding a Student's suspension or expulsion will be disclosed in accordance with the law.
 6. Suspensions and expulsions are permanently noted on the Student's official transcript.
 7. Sanctions of suspension and expulsion may only be imposed by:
 - a. SCB.
 - b. USHIB.
 - c. Academic Integrity Coordinator.
 - d. Academic Integrity Board.
 - e. The Chancellor, Provost, Vice Chancellor for Student Affairs or Dean of a Graduate or Graduate Professional School or their designees.
 - f. For Graduate and Graduate Professional Schools that grant such authority, the School's Academic and Professional Integrity Panel.
- C. Academic Misconduct: If academic misconduct is determined to have occurred, the Academic Integrity Board may recommend that the faculty member in whose course the academic misconduct occurred consider a grade penalty, for example, that the grade of the Student Respondent be lowered or that no credit be given. The final decision regarding any grade penalty, however, is at the faculty member's total discretion.
- D. Sanctioning of Student Groups: As set forth in the Code, Students, including, but not limited to, revocation of the Student Group's Student Groups are subject to the same or modified Sanctioning provisions as individual status. Campus Life policies provide a full listing of Student Group regulations and Sanctioning.
- E. Failure to Comply with Sanctions: If a Student or Student Group fails to satisfactorily comply with an assigned Sanction (or Sanctions), a Hold may be placed on the Student's record and/or the Student or Student Group may be subject to other interim measures (e.g., restricting their participation in University activities). The Hold will be removed upon completion of the assigned Sanction. Other circumstances created by failure to comply with an assigned Sanction are outlined in section III of the Code.
- VI. Appeals
- A. Who Can Appeal
1. A Student Respondent who has been determined to have violated the Code may submit a written appeal of decisions by the Student Conduct Board, the Academic Integrity Board or the Student Conduct Administrator or Decision-Maker who has imposed Sanctions.
 2. A Student Complainant has the right to appeal decisions of the Office of Student Conduct and Community Standards that result in dismissal of their Complaint. A Student Complainant also may appeal a finding that the Respondent did not commit an Offense.
 3. If the University served as the Complainant in a case, it may not appeal a decision that is adverse to the University.
- B. Grounds for Appeal
1. A Student may initiate an appeal on any of the following grounds:
 - a. A procedural irregularity that materially affected the determination.

- b. Except for Academic Integrity Cases, new evidence that was not reasonably discoverable or available before the decision was made that could have affected the determination.
 - c. A conflict of interest or bias on the part of the decision-making body that affected the determination.
 - d. The claim that the Sanctions imposed are insufficient or excessive.
2. Grade penalties imposed by a faculty member for academic misconduct are not considered a Sanction under the Code and are not appealable.
- C. Appeal Officer Authority and Actions: The appeal officer is not permitted to substitute their judgment of the facts for that of the Decision-Maker. The appeal officer, whose decision is final, may take the following actions:
1. Affirm the original finding and Sanction (or Sanctions).
 2. Remand the case to the appropriate Student Conduct Administrator or Decision-Maker for further procedures.
 3. Modify the imposed Sanction (or Sanctions).
 4. If there was a procedural or factual defect that cannot be remedied by a remand, dismiss the case.
- D. The appeal officer will endeavor to issue the decision on appeal in a timely manner.
- E. Sanctions are stayed pending the disposition of an appeal, but a temporary suspension or other interim measures (see section VII) remain in effect. If a Hold was placed on the Student's record for a suspension or an expulsion, it will remain until final disposition of the case.
- F. More information on appeal procedures and processes is posted on the websites of the Office of Student Conduct and Community Standards, the Gender Equity and Title IX Compliance Office, and Academic Integrity in the Office of the Provost.

VII. Temporary Suspension and Other Interim Measures

A. Temporary Suspension

1. The Chancellor, Provost, Vice Chancellor for Student Affairs, Dean of Students, Deans of Schools or their designees with suspending authority may suspend a Student for a temporary period of time in the following situations:
 - a. There is evidence that the Student has committed an Offense under the Code.
 - b. The Student has been indicted or otherwise formally charged with a crime.
 - c. There is evidence that the Student's continued presence on the University Campus or in the University community poses a substantial threat

to the Student, to others or to the ability of others to continue their daily University functions and activities.

2. The suspending authority will limit the scope of the temporary suspension to those parameters necessary to protect those who might be harmed by the Student's actions. Access to University-owned, -leased, -managed, or -rented property, the Campus, or to University events or activities, may be limited. In cases of substantially disruptive or dangerous behavior, the suspending authority may deny the Student access to the University-owned or -leased property, and/or prohibit class attendance and participation in University activities and events.
3. Written notice of the temporary suspension setting out the scope and rationale, as well as the appeal procedures under the Code, will be sent to the Student at their University email address.
4. A Student wishing to appeal a temporary suspension can submit a written appeal to the suspending authority within five (5) Business Days from the date of the written notice of the temporary suspension. In order to be reviewed and acted upon, the appeal must question one or more of the following issues:
 - a. The reliability of the information about the Student's conduct on which the suspending authority based the decision to issue a temporary suspension.
 - b. If a reasonable basis exists for believing that the Student's continued presence on Campus poses a substantial threat to the Student or to the rights or the safety, security and well-being of others to engage in their daily University functions and activities.
 - c. The reasonableness of the temporary suspension.
5. Following the Suspending Authority's imposition of a temporary suspension, OSCCS or the Student Conduct Administrator will issue a Notice of Complaint to the Student within a reasonable time.
6. A temporary suspension ends when rescinded by the suspending authority or when the Complaint brought against the Student is heard and decided.

B. Other Interim Measures: The University may determine that other interim measures are necessary and appropriate to ensure the safety, security and well-being of the University community or to otherwise prevent and/or respond to allegations of misconduct while a Complaint against a Student is pending. Such measures may include, but are not limited to:

 1. A no-contact order.
 2. A wellness or behavior contract.

3. Temporary changes to housing, work or course/ classroom assignments.
4. Limitations on the Student's participation in University activities.
5. Denial or limitations of access to University facilities.

VIII. Record Retention

- A. Except as otherwise described in the Code, both written and electronic records of cases alleging non-academic violations of the Student Conduct Code are destroyed by the Office of Student Conduct and Community Standards (OSCCS) after a period of 10 years from the date of the final decision.
- B. Records of cases alleging academic or professional integrity violations of the Student Conduct Code that are maintained by OSCCS and Academic Integrity in the Office of the Provost are retained permanently.
- C. Records of any cases resulting in suspension or expulsion, as well as records of cases that are not pursued because the Student Respondent withdraws from the University while a Complaint is pending against them, are retained permanently.

IX. Reporting Policy

Information regarding a Student's conduct record may be reported to internal or external agencies in accordance with the University's Student Conduct Code Violation Reporting

Policy. More information is posted on the the Office of Student Conduct and Community Standards website at: <https://students.wustl.edu/student-conduct-records/>.

Related Links

Please review the websites listed below for additional information, including each office's procedures related to the Student Conduct Code:

- Office of Student Conduct and Community Standards: <https://students.wustl.edu/student-conduct-community-standards/>
- Academic Integrity: <https://provost.wustl.edu/vpei/academic-integrity/>
- GETIXCO: <https://titleix.wustl.edu/>
- Residential Life: <https://students.wustl.edu/residential-life/>
- Campus Life: <https://students.wustl.edu/campus-life/>

The Office of Student Conduct and Community Standards has incorporated the use of gender-neutral pronouns. All pronoun references should be interpreted to include singular, plural and Student Groups

Effective July 1, 2024

For additional information please contact:

Office of Student Conduct and
Community Standards, Campus Box 1250
One Brookings Drive St. Louis, MO 63130
(314) 935-4329
(314) 935-7776 (fax)
studentconduct.wustl.edu

Health Risks Associated with Alcohol and Other Drugs

ALCOHOL

- Studies have shown that alcohol use by those less than 24 years old increases the risk of both fatal and nonfatal injuries.
- Research has also shown that the earlier one begins drinking the chances for alcohol dependence increases compared to adults who begin drinking at age 21.
- Other consequences include increased risky sexual behaviors, poor school performance, and increased risk of suicide and homicide.
- Young adult alcohol use has the potential to trigger long-term biological changes that may alter development as well as affect immediate behavior. The resulting adverse outcomes may include mental disorders such as anxiety and depressive disorders.” (NCBI)

The liver is extremely important. The liver is the second largest organ in your body. It processes what you eat and drink into energy and nutrients your body can use. The liver also removes harmful substances from your blood.

- Alcohol can damage or destroy liver cells.
- The liver breaks down alcohol so it can be removed from your body. Your liver can become injured or seriously damaged if you drink more alcohol than it can process.
- Alcohol-related liver diseases include “fatty liver”, alcoholic hepatitis, and alcoholic cirrhosis. These diseases can result in liver cancer, brain disorders, coma and death.
- The liver can only metabolize a certain amount at a time, leaving the excess circulating throughout the body.
- When the amount of alcohol in the blood exceeds a certain level, the respiratory system slows down markedly, and can cause a coma or death, because oxygen no longer reaches the brain.

Binge drinking and continued alcohol use in large amounts are associated with many health problems, including:

- Unintentional injuries such as car crash, falls, burns, drowning
- Intentional injuries such as firearm injuries, sexual assault, and domestic violence
- Increased on-the-job injuries and loss of productivity
- Increased family problems, broken relationships
- Alcohol poisoning
- High blood pressure, stroke, & other heart-related diseases
- Liver disease
- Nerve damage
- Sexual problems
- Permanent damage to the brain
- Vitamin B1 deficiency, which can lead to a disorder characterized by amnesia, apathy & disorientation

- Ulcers
- Gastritis (inflammation of stomach walls)
- Malnutrition
- Cancer of the mouth and throat

DRUGS

CANNABIS

- Short-term effects: feelings of relaxation, paranoia, euphoria, slowed thinking and reaction time, confusion, impaired balance and coordination
- Long-term effects: memory loss, shortened attention span, colds, breathing problems, increased heart rate, apathy, weight gain, gynecomastia (males developing breasts), and smoking related cancers

COCAINE

- Short-term effects: energy bursts, increased heart rate, blood pressure, and breathing rate; increased body temperature, mental “clearness” while high, and fatigue and insomnia after the high
- Long-term effects: addiction, paranoia, violent behavior, aggression, depression, loss of interest in food or sex, destruction of nasal passages (if snorted), lung damaged (if smoked), stroke, heart attack, and death

MDMA (MOLLY) OR ECSTASY

- Short-term effects: increased tactile sensitivity, empathic feelings, increased physical energy, paranoia, hallucinations, nausea, chills, dehydration, sweating, teeth clenching, muscle cramping, increased heart rate, blood pressure and blurred vision
- Long-term effects: damage to dopamine- and serotonin-releasing neurons, impaired memory and learning, hyperthermia, cardiac toxicity, renal failure, muscle breakdown, liver toxicity, depression and/or other mental health conditions, and death

STEROIDS

- Short-term effects: increases muscle mass, strength and endurance, acne, water retention, high blood pressure, impaired judgment due to feelings of being invincible, mood swings, and other negative behavioral effects.
- Long-term effects: hypertension, high cholesterol, stunted growth, liver tumors and cancers, and heart damage. For males, side effects may include shrinking of the testicles and breast development. For females, side effects may include growth of facial hair, menstrual changes, and deepened voice.

PRESCRIPTION DRUGS AND USE

Use is considered “misuse” when a prescription drug is used for something other than its intended purpose, is taken in excessive dosages, or is used by someone for whom it was not prescribed.

- Opioids: opioids such as Vicodin, Oxycontin and codeine are usually prescribed to treat pain. Misuse of these drugs can depress breathing and cause physical dependence.
- Depressants: Central nervous system (CNS) depressants—also called sedatives or tranquilizers—such as Valium, Xanax, Ambien and Lunesta are used to treat anxiety and sleep disorders. These drugs can be addictive if misused, and can slow heart rate and respiration, which can be fatal.
- Stimulants: CNS stimulants such as Ritalin, Concerta, and Adderall are prescribed to treat ADHD and narcolepsy. Taking high doses of stimulants can cause dangerous body temperatures and irregular heart rates, and can sometimes cause hostility or paranoia.

STIMULANTS AND “STUDY DRUGS”

Some students who have not been prescribed stimulants choose to buy or take someone else’s medicine because they believe that taking “study drugs” can improve their study behavior and in turn improve their grades. These students may not be aware that the drugs do not perform for them in the way they do for a person with a diagnosis. There are serious dangers associated with abusing prescription stimulants:

- Short-term: increased or irregular heartbeat and respiratory rate, elevated blood pressure, nervousness, sleep difficulty, appetite loss, blurred vision, and risk of overdose
- Contraindications: adverse effect on some pre-existing medical conditions including heart conditions and/or adverse interactions with other drugs
- Other potential risks: sudden death, misuse potential, worsening mental illness, decreased growth and weight loss, and danger to fetus or breastfeeding infants

RESOURCES

ON CAMPUS:

For questions related to substance use risk reduction on the Danforth Campus, email riskreduction@wustl.edu.

PREVENTION/EDUCATION EFFORTS:

Peer Health Educators

A Peer Health Educator (PHE) is an undergraduate student volunteer who receives training by health professionals on the topics of alcohol/other drugs, mental health, or sexual health. They plan programming and communications to promote risk reduction and create a healthier WashU.

YEAR ONE COLLEGE BEHAVIOR PROFILE: Y1CBP

The Year One College Behavior Profile (Y1CBP) is an evidenced-based, online, brief intervention program designed to reduce high-risk drinking, marijuana use, and related substance use among college students. The Y1CBP can also reinforce low-risk behaviors and reaffirm those who choose to abstain from alcohol and marijuana use.

Students complete the Y1CBP in a confidential platform by indicating their plans for use while in college. Based on student response, the Y1CBP gives students real-time feedback with information about their alcohol and marijuana use including risks, expectancies, perceptions of social norms, along with options for reducing problems and consequences that may be related to their use. The Y1CBP is used at WashU as a pre-matriculation prevention program, required of all entering first-year students to help correct the misconceptions students have about the prevalence of alcohol and marijuana use before they begin their college career at WashU.

BASICS (BRIEF ALCOHOL SCREENING INTERVENTION FOR COLLEGE STUDENTS)

BASICS is a two-session intervention program that provides alcohol education and harm reduction techniques through motivational interviewing. Students are referred to the Health Promotion Specialist for Alcohol and other Drugs through emergency incident reports, the Office of Student Conduct and Community Standards, Residential Life, the Center for Counseling and Psychological Services, or the WashU Cares Team. The students referred for BASICS may have already experienced negative consequences related to their alcohol use. This intervention is provided to students for free and includes a brief assessment of their current drinking habits. The student does the assessment online and reviews it in person with the Health Promotion Specialist for Alcohol and Other Drugs. Based on the outcomes of the two-session intervention, if the student shows signs of a substance use disorder or a more serious mental health concern, the staff member will provide referral to appropriate campus and community resources. These typically include community AA meetings, campus/community mental health providers, and/or intensive outpatient treatment or inpatient treatment facilities.

WASHU RECOVERY GROUP

The university founded the WashU Recovery Group in spring 2017. This group helps students in recovery from alcohol and/or drug use to connect with others with similar experiences on campus. The group provides a safe place for students to learn about local resources, gain support, and connect during meetings and social activities. The group is not a recovery program, but is a resource that students can add to their support system while attending the university. Additional substance misuse recovery programs and meetings are offered near campus.

OFF-CAMPUS:

Alcoholics Anonymous (AA): Numerous AA meetings can be found throughout the St. Louis region. Meetings within walking distance or a short drive from campus. For a complete listing of local AA meetings visit: aastl.org.

Gateway Foundation: A local treatment facility offering substance misuse treatment programs for both adults and teens. The programs include Outpatient, Residential, Day Treatment, and Aftercare. The Gateway Foundation also provides treatment for those needing help around co-occurring/dual-diagnosed mental health concerns. For more information call there 24-hour helpline: 877-505-4673 or visit: recoverygateway.org

Harris House: A local treatment facility offering a variety of treatment options for those struggling with addiction to alcohol and/or drugs. The five treatment services include: Intensive Inpatient Program, Partial Hospitalization Program (PHP), Intensive Outpatient Program (IOP), Transitional Housing Level 1 Program and Transitional Housing Level 2 Program. There are two locations in the St. Louis area. For more information call (314) 328-7938 or visit: harrishousestl.org.

Clayton Behavioral: A local treatment facility that offers programs on Adult Addiction, Cognitive Behavioral, and Mindfulness. They offer individual counseling, support groups, continuing education, and psychoeducational testing. For more information visit: claytonbehavioral.com.

The Aviary Recovery Center: A local treatment facility that offers a full continuum of care which includes detoxification, adult residential treatment, and residential treatment for professionals, along with a family weekend curriculum and outpatient programs. Length of treatment is individualized to a client's needs. There are two locations in the area. For more information call (888) 979-2411 or visit: <https://aviaryrecoverycenter.com/>

PreventEd: Formerly referred to as the National Council on Alcoholism and Drug Abuse (NCADA), PreventEd is a Missouri-based community health agency working to prevent harms of alcohol and other drug use through education, intervention and advocacy to support nearly 100,000 St. Louis residents annually. PreventEd resources are given to WashU students

seeking additional clinical support with their substance use, including a referral guide of local inpatient treatments, outpatient programs, therapists and community clinicians, in addition to other resources. For more information visit: prevented.org

IMPORTANT LINKS:

Medical Amnesty and Active Bystander Protocol: <https://students.wustl.edu/medical-amnesty-active-bystander-protocol/>

The Medical Amnesty and Active Bystander Protocol is designed to encourage students to seek medical care in an alcohol or other drug-related emergency by reducing the potential barrier of university disciplinary consequences in certain circumstances.

Health Risks of Commonly Misused Drugs



Many drugs can alter a person's thinking and judgment, and can lead to health risks, including addiction, drugged driving, infectious disease, and adverse effects on pregnancy. Information on commonly used drugs with the potential for misuse or addiction can be found here, <https://nida.nih.gov/research-topics/commonly-used-drugs-charts>

Federal Trafficking Penalties for Selected Drugs

FEDERAL TRAFFICKING PENALTIES

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500–4999 grams mixture	<p>First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p> <p>Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>	5 kgs or more mixture	<p>First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p>Second Offense: Not less than 15 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> <p>2 or More Prior Offenses: Not less than 25 years. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>
Cocaine Base (Schedule II)	28–279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40–399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10–99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100–999 grams mixture		1 kg or more mixture	
LSD (Schedule I)	1–9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5–49 grams pure or 50–499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture		100 gm or more pure or 1 kg or more mixture	
PENALTIES				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<p>First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.</p> <p>Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.</p>		
Flunitrazepam (Schedule IV)	1 gram			
Other Schedule III drugs	Any amount	<p>First Offense: Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</p> <p>Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.</p>		
All other Schedule IV drugs	Any amount	<p>First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p>Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>		
Flunitrazepam (Schedule IV)	Other than 1 gram or more			
All Schedule V drugs	Any amount	<p>First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p>Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>		

FEDERAL TRAFFICKING PENALTIES – MARIJUANA

DRUG	QUANTITY	1st OFFENSE	2nd OFFENSE *
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 15 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50 million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not less than 20 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not less than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kg marijuana (except 50 or more marijuana plants regardless of weight); 1 to 49 marijuana plants;	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual
Hashish (Schedule I)	10 kg or less	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual
Hashish Oil (Schedule I)	1 kg or less	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual

*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is not less than 25 years imprisonment and a fine up to \$20 million if an individual and \$75 million if other than an individual.

Taken from Drugs of Abuse A DEA RESOURCE GUIDE 2022 Edition, available at

<https://www.dea.gov/drug-information/drug-policy>, last visited on September 18, 2024

21 U.S. Code § 844 - Penalties for simple possession

(a) Unlawful acts; penalties

It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by this subchapter or subchapter II. It shall be unlawful for any person knowingly or intentionally to possess any list I chemical obtained pursuant to or under authority of a registration issued to that person under section 823 of this title or section 958 of this title if that registration has been revoked or suspended, if that registration has expired, or if the registrant has ceased to do business in the manner contemplated by his registration. It shall be unlawful for any person to knowingly or intentionally purchase at retail during a 30 day period more than 9 grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base in a scheduled listed chemical product, except that, of such 9 grams, not more than 7.5 grams may be imported by means of shipping through any private or commercial carrier or the Postal Service. Any person who violates this subsection may be sentenced to a term of imprisonment of not more than 1 year, and shall be fined a minimum of \$1,000, or both, except that if he commits such offense after a prior conviction under this subchapter or subchapter II, or a prior conviction for any drug, narcotic, or chemical offense chargeable under the law of any State, has become final, he shall be sentenced to a term of imprisonment for not less than 15 days but not more than 2 years, and shall be fined a minimum of \$2,500, except, further, that if he commits such offense after two or more prior convictions under this subchapter or subchapter II, or two or more prior convictions for any drug, narcotic, or chemical offense chargeable under the law of any State, or a combination of two or more such offenses have become final, he shall be sentenced to a term of imprisonment for not less than 90 days but not more than 3 years, and shall be fined a minimum of \$5,000. Notwithstanding any penalty provided in this subsection, any person convicted under this subsection for the possession of flunitrazepam shall be imprisoned for not more than 3 years, shall be fined as otherwise provided in this section, or both. The imposition or execution of a minimum sentence required to be imposed under this subsection shall not be suspended or deferred. Further, upon conviction, a person who violates this subsection shall be fined the reasonable costs of the investigation and prosecution of the offense, including the costs of prosecution of an offense as defined in sections 1918 and 1920 of title 28, except that this sentence shall not apply and a fine under this section need not be imposed if the court determines under the provision of title 18 that the defendant lacks the ability to pay.

(b) Repealed. Pub. L. 98–473, title II, § 219(a), Oct. 12, 1984, 98 Stat. 2027

(c) “Drug, narcotic, or chemical offense” defined

As used in this section, the term “drug, narcotic, or chemical offense” means any offense which proscribes the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell or transfer any substance the possession of which is prohibited under this subchapter.

(Pub. L. 91–513, title II, § 404, Oct. 27, 1970, 84 Stat. 1264; Pub. L. 98–473, title II, § 219, Oct. 12, 1984, 98 Stat. 2027; Pub. L. 99–570, title I, § 1052, Oct. 27, 1986, 100 Stat. 3207–8; Pub. L. 100–690, title VI, §§ 6371, 6480, Nov. 18, 1988, 102 Stat. 4370, 4382; Pub. L. 101–647, title XII, § 1201, title XIX, § 1907, Nov. 29, 1990, 104 Stat. 4829, 4854; Pub. L. 104–237, title II, § 201(a), Oct. 3, 1996, 110 Stat. 3101; Pub. L. 104–305, § 2(c), Oct. 13, 1996, 110 Stat. 3808; Pub. L. 109–177, title VII, § 711(e)(1), Mar. 9, 2006, 120 Stat. 262; Pub. L. 111–220, § 3, Aug. 3, 2010, 124 Stat. 2372.)

Missouri Revised Statutes Chapter 579

579.015. Possession or control of a controlled substance — penalty. — 1. A person commits the offense of possession of a controlled substance, except as authorized by this chapter or chapter 195.

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

(L. 1989 S.B. 215 & 58, A.L. 2010 H.B. 1472, A.L. 2011 H.B. 641, A.L. 2014 S.B. 491, A.L. 2016 H.B. 2332)

Transferred 2014; formerly 195.202; Effective 1-01-17

579.015 8/28/2016

579.020. Delivery of a controlled substance — penalties.
— 1. A person commits the offense of delivery of a controlled substance if, except as authorized in this chapter or chapter 195, he or she:

- (1) Knowingly distributes or delivers a controlled substance;
- (2) Attempts to distribute or deliver a controlled substance;
- (3) Knowingly possesses a controlled substance with the intent to distribute or deliver any amount of a controlled substance; or
- (4) Knowingly permits a minor to purchase or transport illegally obtained controlled substances.

2. Except when the controlled substance is thirty-five grams or less of marijuana or synthetic cannabinoid or as otherwise provided under subsection 5 of this section, the offense of delivery of a controlled substance is a class C felony.

3. Except as otherwise provided under subsection 4 of this section, the offense of delivery of thirty-five grams or less of marijuana or synthetic cannabinoid is a class E felony.

4. The offense of delivery of thirty-five grams or less of marijuana or synthetic cannabinoid to a person less than seventeen years of age who is at least two years younger than the defendant is a class C felony.

5. The offense of delivery of a controlled substance is a class B felony if:

- (1) The delivery or distribution is any amount of a controlled substance except thirty-five grams or less of marijuana or synthetic cannabinoid, to a person less than seventeen years of age who is at least two years younger than the defendant; or
- (2) The person knowingly permits a minor to purchase or transport illegally obtained controlled substances.

(L. 1989 S.B. 215 & 58, A.L. 2014 S.B. 491)

Transferred 2014; formerly 195.212; Effective 1-01-17

579.020 1/1/2017

579.021. Delivery of a controlled substance causing serious physical injury, offense of — penalty — definition. —
1. A person commits the offense of delivery of a controlled substance causing serious physical injury, as defined in section 556.061, if a person delivers or distributes a controlled substance under section 579.020 knowing such substance is mixed with another controlled substance and serious physical injury results from the use of such controlled substance.

2. It shall not be a defense that the user contributed to the user's own serious physical injury by using the controlled substance or consenting to the administration of the controlled substance by another.

3. The offense of delivery of a controlled substance causing serious physical injury is a class C felony.

4. For purposes of this section, "controlled substance" means a Schedule I or Schedule II controlled substance, as defined in section 195.017.

(L. 2024 S.B. 754, et al.)

579.021 8/28/2024

579.022. Delivery of a controlled substance causing death, offense of — penalty — definition. — 1. A person commits the offense of delivery of a controlled substance causing death if a person delivers or distributes a controlled substance under section 579.020 knowing such substance is mixed with another controlled substance and a death results from the use of such controlled substance.

2. It shall not be a defense that the user contributed to the user's own death by using the controlled substance or consenting to the administration of the controlled substance by another.

3. The offense of delivery of a controlled substance causing death is a class A felony.

4. For purposes of this section, "controlled substance" means a Schedule I or Schedule II controlled substance, as defined in section 195.017.

(L. 2024 S.B. 754, et al.)

579.022 8/28/2024

579.030. Distribution of controlled substance in a protected location — penalty. — 1. A person commits the offense of distribution of a controlled substance in a protected location if he or she knowingly distributes, sells, or delivers any controlled substance, except thirty-five grams or less of marijuana or synthetic cannabinoid, to a person with knowledge that that distribution, delivery or sale is:

(1) In, on, or within two thousand feet of, the real property comprising a public or private elementary, vocational, or secondary school, or on any school bus; or

(2) In, on, or within one thousand feet of, the real property comprising a public park, state park, county park, municipal park, or private park designed for public recreational purposes, as park is defined in section 253.010; or

(3) In or on the real property comprising public housing or other governmental assisted housing.

2. The offense of unlawful distribution of a controlled substance in a protected location is a class A felony.

(L. 1993 S.B. 180, A.L. 2003 S.B. 39, A.L. 2014 S.B. 491)

Transferred 2014; formerly 195.218; Effective 1-01-17

579.030 1/1/2017

579.040. Unlawful distribution, delivery, or sale of drug paraphernalia — penalties. — 1. A person commits the offense of unlawful distribution, delivery, or sale of drug paraphernalia if he or she unlawfully distributes, delivers, or sells, or possesses with intent to distribute, deliver, or sell

drug paraphernalia knowing, or under circumstances in which one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of this chapter.

2. The offense of unlawful delivery of drug paraphernalia is a class A misdemeanor, unless done for commercial purposes, in which case it is a class E felony.

(L. 2014 S.B. 491)

Effective 1-01-17

579.040 1/1/2017

579.041. Drug masking product, unlawful distribution, delivery, or sale of — penalty. — 1. For purposes of this section, the following terms mean:

(1) "Drug masking product", synthetic urine, human urine, a substance designated to be added to human urine, or a substance designated to be added to or used on human hair or oral fluid for the purpose of defrauding an alcohol or a drug screening test;

(2) "Synthetic urine", a substance that is designated to simulate the composition, chemical properties, physical appearance, or physical properties of human urine.

2. A person commits the offense of unlawful distribution, delivery, or sale of a drug masking product if the person unlawfully distributes, delivers, or sells a drug masking product.

3. The offense of unlawful distribution, delivery, or sale of a drug masking product is a class A misdemeanor.

(L. 2023 S.B. 186)

579.041 8/28/2023

579.045. Fraudulently attempting to obtain a controlled substance — penalty. — 1. A person commits the offense of fraudulently attempting to obtain a controlled substance if he or she knowingly obtains or attempts to obtain a controlled substance, or knowingly procures or attempts to procure an administration of the controlled substance by fraud. The offense of fraudulently attempting to obtain a controlled substance shall include, but shall not be limited to nor be limited by, the following:

(1) Knowingly making a false statement in any prescription, order, report, or record, required by this chapter or chapter 195;

(2) For the purpose of obtaining a controlled substance, falsely assuming the title of, or representing oneself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, podiatrist, veterinarian, nurse, or other authorized person;

(3) Making or uttering any false or forged prescription or false or forged written order;

(4) Affixing any false or forged label to a package or receptacle containing controlled substances;

(5) Possess a false or forged prescription with intent to obtain a controlled substance.

2. The offense of fraudulently attempting to obtain a controlled substance is a class E felony.

3. Information communicated to a physician in an effort unlawfully to procure a controlled substance or unlawfully to procure the administration of any such drug is not deemed a privileged communication; provided, however, that no physician or surgeon shall be competent to testify concerning any information which he or she may have acquired from any patient while attending him or her in a professional character and which information was necessary to enable him or her to prescribe for such patient as a physician, or to perform any act for him or her as a surgeon.

(L. 1989 S.B. 215 & 58, A.L. 1997 H.B. 635, A.L. 2014 S.B. 491)

Transferred 2014; formerly 195.204; Effective 1-01-17

579.045 1/1/2017

579.050. Manufacture of an imitation controlled substance — penalty. — 1. A person commits the offense of manufacture of an imitation controlled substance if he or she knowingly manufactures with intent to deliver any imitation controlled substance.

2. The offense of manufacture of an imitation controlled substance is a class E felony.

(L. 2014 S.B. 491)

Effective 1-01-17

579.050 1/1/2017

579.055. Manufacture of a controlled substance — penalties. — 1. A person commits the offense of manufacture of a controlled substance if, except as authorized in this chapter or chapter 195, he or she:

(1) Knowingly manufactures, produces, or grows a controlled substance;

(2) Attempts to manufacture, produce, or grow a controlled substance; or

(3) Knowingly possesses a controlled substance with the intent to manufacture, produce, or grow any amount of controlled substance.

2. The offense of manufacturing or attempting to manufacture any amount of controlled substance is a class B felony when committed within two thousand feet of the real property comprising a public or private elementary, vocational, or secondary school, community college, college, or university. It is a class A felony if a person has suffered

serious physical injury or has died as a result of a fire or explosion started in an attempt by the defendant to produce methamphetamine.

3. The offense of manufacturing or attempting to manufacture any amount of a controlled substance, except thirty-five grams or less of marijuana or synthetic cannabinoid, is a class C felony.

4. The offense of manufacturing thirty-five grams or less of marijuana or synthetic cannabinoid is a class E felony.

(L. 1989 S.B. 215 & 58, A.L. 1998 H.B. 1147, et al., A.L. 2003 S.B. 39, A.L. 2014 S.B. 491)

Transferred 2014; formerly 195.211; Effective 1-01-17

579.055 1/1/2017

579.060. Unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs — violation, penalty. — 1. A person commits the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs if he or she knowingly:

(1) Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in a total amount greater than seven and two-tenths grams to the same individual within a thirty-day period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

(2) Purchases, receives, or otherwise acquires within a thirty-day period any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than seven and two-tenths grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or

(3) Purchases, receives, or otherwise acquires within a twenty-four-hour period any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than three and six-tenths grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or

(4) Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in a total amount greater than forty-three and two-tenths grams to the same individual within a twelve-month period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

(5) Purchases, receives, or otherwise acquires within a twelve-month period any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than forty-three and two-tenths grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or

(6) Dispenses or offers drug products that are not excluded from Schedule V in subsection 17 or 18 of section 195.017 and that contain detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, without ensuring that such products are located behind a pharmacy counter where the public is not permitted and that such products are dispensed by a registered pharmacist or pharmacy technician under subsection 11 of section 195.017; or

(7) Holds a retail sales license issued under chapter 144 and knowingly sells or dispenses packages that do not conform to the packaging requirements of section 195.418.

2. A pharmacist, intern pharmacist, or registered pharmacy technician commits the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs if he or she knowingly:

(1) Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in a total amount greater than three and six-tenth grams to the same individual within a twenty-four hour period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

(2) Fails to submit information under subsection 13 of section 195.017 and subsection 6 of section 195.417 about the sales of any compound, mixture, or preparation of products containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in accordance with transmission methods and frequency established by the department of health and senior services; or

(3) Fails to implement and maintain an electronic log, as required by subsection 12 of section 195.017, of each transaction involving any detectable quantity of pseudoephedrine, its salts, isomers, or salts of optical isomers or ephedrine, its salts, optical isomers, or salts of optical isomers; or

(4) Sells, distributes, dispenses or otherwise provides to an individual under eighteen years of age without a valid prescription any number of packages of any drug product containing any detectable quantity of pseudoephedrine, its salts, isomers, or salts of optical isomers, or ephedrine, its salts or optical isomers, or salts of optical isomers.

3. Any person who violates the packaging requirements of section 195.418 and is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale shall not be penalized if he or she documents that an employee training program was in place to provide the employee who made the unlawful retail sale with information on the state and federal regulations regarding ephedrine, pseudoephedrine, or phenylpropanolamine.

4. The offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs is a class A misdemeanor.

(L. 2014 S.B. 491, A.L. 2014 H.B. 1371, A.L. 2020 H.B. 1682 merged with H.B. 1896)

579.060 8/28/2020

579.065. Trafficking drugs, first degree — penalty. — 1. A person commits the offense of trafficking drugs in the first degree if, except as authorized by this chapter or chapter 195, such person knowingly distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce:

(1) More than thirty grams of a mixture or substance containing a detectable amount of heroin;

(2) More than one hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances;

(3) More than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

(4) More than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP);

(5) More than four grams of phencyclidine;

(6) More than thirty kilograms of a mixture or substance containing marijuana;

(7) More than thirty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate;

(8) More than thirty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine;

(9) One gram or more of flunitrazepam for the first offense;

(10) Any amount of gamma-hydroxybutyric acid for the first offense; or

(11) More than ten milligrams of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

2. The offense of trafficking drugs in the first degree is a class B felony.

3. The offense of trafficking drugs in the first degree is a class A felony if the quantity involved is:

(1) Ninety grams or more of a mixture or substance containing a detectable amount of heroin; or

(2) Four hundred fifty grams or more of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances; or

(3) One gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD); or

(4) Ninety grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP); or

(5) Twelve grams or more of phencyclidine; or

(6) One hundred kilograms or more of a mixture or substance containing marijuana; or

(7) Ninety grams or more of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

(8) More than thirty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers, and salts of its optical isomers; methamphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate, and the location of the offense was within two thousand feet of real property comprising a public or private elementary, vocational, or secondary school, college, community college, university, or any school bus, in or on the real property comprising public housing or any other governmental assisted housing, or within a motor vehicle, or in any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place

where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests; or

(9) Ninety grams or more of any material, compound, mixture or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; or

(10) More than thirty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine and the location of the offense was within two thousand feet of real property comprising a public or private elementary, vocational, or secondary school, college, community college, university, or any school bus, in or on the real property comprising public housing or any other governmental assisted housing, within a motor vehicle, or in any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests; or

(11) One gram or more of flunitrazepam for a second or subsequent offense; or

(12) Any amount of gamma-hydroxybutyric acid for a second or subsequent offense; or

(13) Twenty milligrams or more of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

(L. 1989 S.B. 215 & 58, A.L. 1998 H.B. 1147, et al., A.L. 2001 H.B. 471, A.L. 2012 S.B. 628, A.L. 2014 S.B. 491, A.L. 2020 H.B. 1896, A.L. 2024 S.B. 754, et al.)

Transferred 2014; formerly 195.222

CROSS REFERENCE:

No bail, certain defendants, certain offenses, 544.671

579.065 8/28/2024

579.068. Trafficking drugs, second degree — penalty. — 1. A person commits the offense of trafficking drugs in the second degree if, except as authorized by this chapter or chapter 195, such person knowingly possesses or has under his or her control, purchases or attempts to purchase, or brings into this state:

(1) More than thirty grams of a mixture or substance containing a detectable amount of heroin;

(2) More than one hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical

and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances;

(3) More than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

(4) More than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP);

(5) More than four grams of phencyclidine;

(6) More than thirty kilograms of a mixture or substance containing marijuana;

(7) More than thirty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate;

(8) More than thirty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; or

(9) More than ten milligrams of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

2. The offense of trafficking drugs in the second degree is a class C felony.

3. The offense of trafficking drugs in the second degree is a class B felony if the quantity involved is:

(1) Ninety grams or more of a mixture or substance containing a detectable amount of heroin; or

(2) Four hundred fifty grams or more of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances; or

(3) One gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD); or

(4) Ninety grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP); or

(5) Twelve grams or more of phencyclidine; or

(6) One hundred kilograms or more of a mixture or substance containing marijuana; or

(7) More than five hundred marijuana plants; or

(8) Ninety grams or more but less than four hundred fifty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

(9) Ninety grams or more but less than four hundred fifty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; or

(10) Twenty milligrams or more of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

4. The offense of trafficking drugs in the second degree is a class A felony if the quantity involved is four hundred fifty grams or more of any material, compound, mixture or preparation which contains:

(1) Any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or methylphenidate; or

(2) Any quantity of 3,4-methylenedioxymethamphetamine.

5. The offense of drug trafficking in the second degree is a class C felony for the first offense and a class B felony for any second or subsequent offense for the trafficking of less than one gram of flunitrazepam.

(L. 1989 S.B. 215 & 58, A.L. 1998 H.B. 1147, et al., A.L. 2001 H.B. 471, A.L. 2012 S.B. 628, A.L. 2014 S.B. 491, A.L. 2020 H.B. 1896, A.L. 2024 S.B. 754, et al.)

Transferred 2014; formerly 195.223

579.068 8/28/2024

579.070. Creating a danger — penalty. — 1. A person commits the offense of creating a danger if, while producing, or attempting to produce, a controlled substance, he or she purposely protects or attempts to protect the production of the controlled substance by creating, setting up, building, erecting, or using any device or weapon which causes or is intended to cause physical injury to another person.

2. The offense of creating a danger is a class C felony.

(L. 1986 S.B. 450, A.L. 2014 S.B. 491)

Transferred 2014; formerly 565.065; Effective 1-01-17

579.070 1/1/2017

579.072. Furnishing materials for production of a controlled substance — penalty. — 1. A person commits the offense

of furnishing materials for the production of a controlled substance if he or she provides any reagents, solvents or precursor materials used in the production of a controlled substance as defined in section 195.010 to any other person knowing that the person to whom such materials are provided intends to use such materials for the illegal production of a controlled substance.

2. The offense of furnishing materials for the production of a controlled substance is a class E felony.

(L. 1998 H.B. 1147, et al. § 1, A.L. 2014 S.B. 491)

Transferred 2014; formerly 195.226; Effective 1-01-17

579.072 1/1/2017

579.074. Unlawful possession of drug paraphernalia — penalty. — 1. A person commits the offense of unlawful possession of drug paraphernalia if he or she knowingly uses, or possesses with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body, a controlled substance or an imitation controlled substance in violation of this chapter or chapter 195.

2. The offense of unlawful possession of drug paraphernalia is a class D misdemeanor, unless the person has previously been found guilty of any offense of the laws of this state related to controlled substances or of the laws of another jurisdiction related to controlled substances, in which case the violation of this section is a class A misdemeanor. Prior findings of guilt shall be pleaded and proven in the same manner as required by section 558.021.

3. The offense of unlawful possession of drug paraphernalia is a class E felony if the person uses, or possesses with intent to use, the paraphernalia in combination with each other to manufacture, compound, produce, prepare, test, or analyze amphetamine or methamphetamine or any of their analogues.

(L. 1989 S.B. 215 & 58, A.L. 1998 H.B. 1147, et al., A.L. 2014 S.B. 491)

Transferred 2014; formerly 195.233; Effective 1-01-17

579.074 1/1/2017

579.076. Unlawful manufacture of drug paraphernalia — penalties. — 1. A person commits the offense of unlawful manufacture of drug paraphernalia if he or she unlawfully manufactures with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of this chapter or chapter 195.

2. The offense of unlawful manufacture of drug paraphernalia is a class A misdemeanor, unless done for commercial purposes, in which case it is a class E felony.

(L. 1989 S.B. 215 & 58, A.L. 2001 H.B. 471 merged with S.B. 89 & 37, A.L. 2014 S.B. 491)

Transferred 2014; formerly 195.235; Effective 1-01-17

579.076 1/1/2017

579.078. Possession of an imitation controlled substance — penalty. — 1. A person commits the offense of possession of an imitation controlled substance if he or she knowingly possesses an imitation controlled substance.

2. The offense of possession of an imitation controlled substance is a class A misdemeanor.

(L. 1989 S.B. 215 & 58, A.L. 2014 S.B. 491)

Transferred 2014; formerly 195.241; Effective 1-01-17

579.078 1/1/2017

579.080. Delivery of an imitation controlled substance — penalty. — 1. A person commits the offense of delivery of an imitation controlled substance if he or she knowingly delivers, possesses with intent to deliver, or causes to be delivered any imitation controlled substance.

2. The offense of delivery of an imitation controlled substance is a class E felony.

(L. 1989 S.B. 215 & 58, A.L. 2014 S.B. 491)

Transferred 2014; formerly 195.242; Effective 1-01-17

579.080 1/1/2017

579.082. Marketing of ephedrine or pseudoephedrine — penalty. — 1. A person commits the offense of unlawful marketing of ephedrine or pseudoephedrine if he or she knowingly markets, sells, distributes, advertises, or labels any drug product containing ephedrine, its salts, optical isomers and salts of optical isomers, or pseudoephedrine, its salts, optical isomers and salts of optical isomers, for indication of stimulation, mental alertness, weight loss, appetite control, energy or other indications not approved under the pertinent federal over-the-counter drug Final Monograph or Tentative Final Monograph or approved new drug application.

2. The offense of unlawful marketing of ephedrine or pseudoephedrine is a class E felony.

(L. 1996 H.B. 1301 & 1298, A.L. 2014 S.B. 491)

Transferred 2014; formerly 195.248; Effective 1-01-17

579.082 1/1/2017

579.084. Distribution of controlled substance in violation of registration requirements — penalty. — 1. A person commits

the offense of distribution of a controlled substance in violation of registration requirements if he or she:

(1) Is subject to the provisions of sections 195.005 to 195.198, and knowingly distributes or dispenses a controlled substance in violation of section 195.030;

(2) Is a registrant, and knowingly distributes or dispenses a controlled substance not authorized by that person's registration to another registrant or other authorized person; or

(3) Knowingly refuses or fails to make, keep or furnish any record, notification, order form, statement, invoice or information required under section 195.050.

2. The offense of distribution of a controlled substance in violation of registration requirements is a class E felony when the offense is a violation of subdivision (1) or (2) of subsection 1 of this section.

3. The offense of distribution of a controlled substance in violation of registration requirements is a class A misdemeanor when the offense is a violation of subdivision (3) of subsection 1 of this section.

(L. 1989 S.B. 215 & 58, A.L. 2014 S.B. 491)

Transferred 2014; formerly 195.252; Effective 1-01-17

579.084 1/1/2017

579.086. Unlawful delivery of a controlled substance by manufacturer or distributor — penalty. — 1. A manufacturer or distributor, or an employee of a manufacturer or distributor, commits the offense of unlawful delivery of a controlled substance when he or she knowingly delivers a controlled substance while acting recklessly as to whether the controlled substance will be used in violation of this chapter.

2. The offense of unlawful delivery of a controlled substance by a manufacturer or distributor is a class E felony.

(L. 1989 S.B. 215 & 58, A.L. 2014 S.B. 491)

Transferred 2014; formerly 195.254; Effective 1-01-17

579.086 1/1/2017

579.088. Fentanyl, devices to detect the presence of permitted. — Notwithstanding any other provision of this chapter or chapter 195 to the contrary, it shall not be unlawful to manufacture, possess, sell, deliver, or use any device, equipment, or other material for the purpose of analyzing controlled substances to detect the presence of fentanyl or any synthetic controlled substance fentanyl analogue.

(L. 2023 H.B. 402 merged with S.B. 24 merged with S.B. 45 & 90 merged with S.B. 70 merged with S.B. 186)

579.088 8/28/2023

579.090. Tampering with a prescription or a drug prescription order — penalty. — 1. Any pharmacist licensed

under chapter 338 commits the offense of tampering with a prescription or a prescription drug order as defined in section 338.095 if such person knowingly:

(1) Causes the intentional adulteration of the concentration or chemical structure of a prescribed drug or drug therapy without the knowledge and consent of the prescribing practitioner; or

(2) Misrepresents a misbranded, altered, or diluted prescription drug or drug therapy with the purpose of misleading the recipient or the administering person of the prescription drug or drug therapy; or

(3) Sells a misbranded, altered, or diluted prescription drug therapy with the intention of misleading the purchaser.

2. The offense of tampering with a prescription drug order is a class A felony.

(L. 2003 S.B. 5, A.L. 2014 S.B. 491)

Transferred 2014; formerly 565.350; Effective 1-01-17

579.090 1/1/2017

579.095. Possession of anhydrous ammonia — penalty. — 1. A person commits the offense of possession of anhydrous ammonia in a nonapproved container if he or she possesses any quantity of anhydrous ammonia in a cylinder or other portable container that was not designed, fabricated, tested, constructed, marked and placarded in accordance with the United States Department of Transportation Hazardous Materials regulations contained in CFR 49 Parts 100 to 185, revised as of October 1, 2002, and approved for the storage and transportation of anhydrous ammonia, or any container that is not a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator.

2. Cylinder and other portable container valves and other fittings, or hoses attached thereto, used in anhydrous ammonia service shall be constructed of material resistant to anhydrous ammonia and shall not be constructed of brass, copper, silver, zinc, or other material subject to attack by ammonia. Each cylinder utilized for the storage and transportation of anhydrous ammonia shall be labeled, in a conspicuous location, with the words "ANHYDROUS AMMONIA" or "CAUTION: ANHYDROUS AMMONIA" and the UN number 1005 (UN 1005).

3. The offense of possession of anhydrous ammonia in a nonapproved container is a class E felony.

(L. 2001 H.B. 471 merged with S.B. 89 & 37, A.L. 2004 S.B. 992, A.L. 2014 S.B. 491)

Transferred 2014; formerly 578.154; Effective 1-01-17

579.095 1/1/2017

579.097. Inhalation or inducing others to inhale solvent fumes to cause certain reactions, prohibited — exceptions.

— No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues or induce any other person to do so, for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes; except that this section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

(L. 1982 S.B. 522 § 2, A.L. 2009 H.B. 62, A.L. 2014 S.B. 491)

Transferred 2014; formerly 578.250; Effective 1-01-17

579.097 1/1/2017

579.099. Inducing, or possession with intent to induce, symptoms by use of certain solvents and other substances, prohibited. — 1. As used in this section, "alcohol beverage vaporizer" means any device which, by means of heat, a vibrating element, or any other method, is capable of producing a breathable mixture containing one or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both.

2. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use or abuse of any of the following substances:

- (1) Solvents, particularly toluol;
- (2) Ethyl alcohol;
- (3) Amyl nitrite and its iso-analogues;
- (4) Butyl nitrite and its iso-analogues;
- (5) Cyclohexyl nitrite and its iso-analogues;
- (6) Ethyl nitrite and its iso-analogues;
- (7) Pentyl nitrite and its iso-analogues; and
- (8) Propyl nitrite and its iso-analogues.

3. This section shall not apply to substances that have been approved by the United States Food and Drug Administration as therapeutic drug products or are contained in approved over-the-counter drug products or administered lawfully pursuant to the order of an authorized medical practitioner.

4. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues for the purpose of using it in the manner prohibited by section 579.097 and this section.

5. No person shall possess or use an alcoholic beverage vaporizer.

6. Nothing in this section shall be construed to prohibit the legal consumption of intoxicating liquor, as defined by section 311.020, or nonintoxicating beer.

(L. 1982 S.B. 522 §§ 3, 4, A.L. 2009 H.B. 62 merged with S.B. 26, A.L. 2014 S.B. 491)

Transferred 2014; formerly 578.255; Effective 1-01-17

579.099 1/1/2017

579.101. Possession or purchase of solvents to aid others in violations, prohibited — penalty. — 1. No person shall intentionally possess or buy any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues for the purpose of inducing or aiding any other person to violate the provisions of sections 579.097 and 579.099.

2. Any person who violates any provision of sections 579.097 to 579.101 is guilty of a class B misdemeanor for the first violation and a class E felony for any subsequent violations.

(L. 1982 S.B. 522 §§ 5, 6, A.L. 2009 H.B. 62, A.L. 2014 S.B. 491)

Transferred 2014; formerly 578.260; Effective 1-01-17

579.101 1/1/2017

579.103. Selling or transferring solvents to cause certain symptoms, penalty — certain businesses prohibited from selling, penalty. — 1. A person commits the offense of selling or transferring solvents to cause certain symptoms if he or she knowingly and intentionally sells or otherwise transfers possession of any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues to any person for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes.

2. No person who owns or operates any business which receives over fifty percent of its gross annual income from the sale of alcoholic beverages or beer, or which operates as a venue for live entertainment performance or receives fifty percent of its gross annual income from the sale of recorded video entertainment, shall sell or offer for sale toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues, or any toxic glue.

3. Violation of this section is a class D felony.

(L. 1982 S.B. 522 §§ 7, 8, A.L. 1987 H.B. 51 & 49, A.L. 2009 H.B. 62, A.L. 2014 S.B. 491)

Transferred 2014; formerly 578.265; Effective 1-01-17

579.103 1/1/2017

579.105. Keeping or maintaining a public nuisance — violation, penalty. — 1. A person commits the offense of keeping or maintaining a public nuisance if he or she knowingly keeps or maintains:

(1) Any room, building, structure or inhabitable structure, as defined in section 556.061, which is used for the illegal manufacture, distribution, storage, or sale of any amount of a controlled substance, except thirty-five grams or less of marijuana or thirty-five grams or less of any synthetic cannabinoid; or

(2) Any room, building, structure or inhabitable structure, as defined in section 556.061, where on three or more separate occasions within the period of a year, two or more persons, who were not residents of the room, building, structure, or inhabitable structure, gathered for the principal purpose of unlawfully ingesting, injecting, inhaling or using any amount of a controlled substance, except thirty-five grams or less of marijuana or thirty-five grams or less of any synthetic cannabinoid.

2. In addition to any other criminal prosecutions, the prosecuting attorney or circuit attorney may by information or indictment charge the owner or the occupant, or both the owner and the occupant of the room, building, structure, or inhabitable structure with the offense of keeping or maintaining a public nuisance.

3. The offense of keeping or maintaining a public nuisance is a class E felony.

4. Upon the conviction of the owner pursuant to this section, the room, building, structure, or inhabitable structure is subject to the provisions of sections 513.600 to 513.645.

(RSMo 1939 § 9844, A.L. 1971 H.B. 69, A.L. 1985 H.B. 488, A.L. 1989 H.B. 479, A.L. 2014 S.B. 491, A.L. 2014 H.B. 1371)

Transferred 2014; formerly 195.130; Effective 1-01-17

579.105 1/1/2017

579.107. Lawful possession, when — burden of proof of any exception or exemption upon defendant. — 1. A person may lawfully possess or have under his or her control a controlled substance if he or she obtained the controlled substance directly from, or pursuant to, a valid prescription or practitioner's order issued in the course of a practitioner's professional practice or except as otherwise authorized by this chapter or chapter 195.

2. 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 negative any exception, excuse, proviso, or exemption, contained in this chapter or chapter 195, and the burden of proof of any such exception, excuse, proviso or exemption, shall be upon the defendant.

(RSMo 1939 § 9849, A.L. 1989 S.B. 215 & 58, A.L. 2014 S.B. 491)
Transferred 2014; formerly 195.180; Effective 1-01-17
579.107 1/1/2017

579.110. Possession of methamphetamine precursors — penalty. — 1. A person commits the offense of possession of methamphetamine precursors if he or she knowingly possesses one or more chemicals listed in subsection 2 of section 195.400, reagents, solvents, or any other chemicals proven to be precursor ingredients of methamphetamine or amphetamine, as established by expert testimony, with the intent to manufacture, compound, convert, produce, process, prepare, test, or otherwise alter that chemical to create a controlled substance or a controlled substance analogue in violation of this chapter or chapter 195.

2. Possession of more than twenty-four grams of ephedrine or pseudoephedrine shall be prima facie evidence of intent to violate this section. This subsection shall not apply to any practitioner or to any product possessed in the course of a legitimate business.

3. The offense of possession of methamphetamine precursors is a class E felony.

(L. 1989 S.B. 215 & 58, A.L. 1998 H.B. 1147, et al., A.L. 2014 S.B. 491)

Transferred 2014; formerly 195.420; Effective 1-01-17
579.110 1/1/2017

579.115. Copy of suspicious transaction report for certain drugs to be submitted to chief law enforcement officer, when — suspicious transaction defined — penalty. — 1. Any manufacturer or wholesaler who sells, transfers, or otherwise furnishes ephedrine, pseudoephedrine or phenylpropanolamine, or any of their salts, optical isomers and salts of optical isomers, alone or in a mixture, and is required by federal law to report any suspicious transaction to the United States attorney general, shall submit a copy of the report to the chief law enforcement official with jurisdiction before completion of the sale or as soon as practicable thereafter.

2. As used in this section, "suspicious transaction" means any sale or transfer required to be reported pursuant to 21 U.S.C. Section 830(b)(1).

3. The offense of failure to report suspicious transactions is a class E felony.

(L. 2001 S.B. 89 & 37, A.L. 2014 S.B. 491)

Transferred 2014; formerly 195.515; Effective 1-01-17
579.115 1/1/2017

579.150. Distribution of prescription medication on school property — exceptions — penalty. — 1. A person commits the offense of distribution of prescription medication on school property if he or she is less than twenty-one years of age and

knowingly distributes upon the real property comprising a public or private elementary or secondary school or school bus a prescription medication to any individual who does not have a valid prescription for such medication. For purposes of this section, prescription medication shall not include medication containing a controlled substance, as defined in section 195.010.

2. The provisions of this section shall not apply to any person authorized to distribute a prescription medication by any school personnel who are responsible for storing, maintaining, or dispensing any prescription medication under chapter 338. This section shall not limit the use of any prescription medication by emergency personnel during an emergency situation.

3. The offense of distribution of prescription medication on school property is a class B misdemeanor for a first offense and a class A misdemeanor for any second or subsequent offense.

(L. 2005 H.B. 353 and S.B. 254, A.L. 2005 1st Ex. Sess. H.B. 2, A.L. 2014 S.B. 491)

Transferred 2014; formerly 577.625; Effective 1-01-17
579.150 1/1/2017

579.155. Possession of prescription medication on school property — exceptions — penalty. — 1. A person commits the offense of possession of prescription medication on school property if he or she is less than twenty-one years of age and knowingly possesses upon the real property comprising a public or private elementary or secondary school or school bus prescription medication without a valid prescription for such medication. For purposes of this section, prescription medication shall not include medication containing a controlled substance, as defined in section 195.010.

2. The provisions of this section shall not apply to any person authorized to possess a prescription medication by any school personnel who are responsible for storing, maintaining, or dispensing any prescription medication under chapter 338. This section shall not limit the use of any prescription medication by emergency personnel during an emergency situation.

3. The offense of possession of prescription medication on school property is a class C misdemeanor for a first offense and a class B misdemeanor for any second or subsequent offense.

(L. 2005 H.B. 353 and S.B. 254, A.L. 2005 1st Ex. Sess. H.B. 2, A.L. 2014 S.B. 491)

Transferred 2014; formerly 577.628; Effective 1-01-17
579.155 1/1/2017

579.170. Prior and persistent drug offenders, definitions, sentencing. — 1. The following words or phrases as used in this chapter have the following meanings, unless the context otherwise requires:

(1) "Persistent drug offender", one who has been found guilty of two or more felony offenses of the laws of this state or of the United States, or any other state, territory or district relating to controlled substances;

(2) "Prior drug offender", one who has been found guilty of any felony offense of the laws of this state, or of the United States, or any other state, territory or district relating to controlled substances.

2. Prior findings of guilt shall be pleaded and proven in the same manner as required by section 558.021.

3. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of prior drug offenders or persistent drug offenders.

4. The court shall sentence a person who has been found to be a prior drug offender and is found guilty of a class C, D, or E felony under this chapter to the authorized term of imprisonment for an offense one class higher than the offense for which the person was found guilty.

5. The court shall sentence a person who has been found to be a persistent drug offender and is found guilty of a class C, D, or E felony under this chapter to the authorized term of imprisonment for an offense two classes higher than the offense for which the person was found guilty. The court shall sentence a persistent drug offender who is found guilty of a class B felony under this chapter to the authorized term of imprisonment for a class A felony offense.

(L. 1989 S.B. 215 & 58, A.L. 2014 S.B. 491)

Transferred 2014; formerly 195.275; Effective 1-01-17

579.170 1/1/2017

579.175. Arrest without warrant, when. — Any law enforcement officer of the state of Missouri, or of any political subdivision thereof, may, within the boundaries of the political entity from which he or she derives his or her authority, arrest without a warrant any person he or she sees violating or whom he or she has probable cause to believe has violated any provision of this chapter.

(L. 1971 H.B. 69, A.L. 2014 S.B. 491)

Transferred 2014; formerly 195.280; Effective 1-01-17

579.175 1/1/2017

579.180. Burden of proof of any exception or exemption upon defendant. — 1. It is not necessary for the state to negate any exemption or exception in this chapter or chapter 195 in any complaint, information, indictment, or other pleading or in any trial, hearing, or other proceeding under this chapter or chapter 195. The burden of producing evidence of any exemption or exception is upon the person claiming it.

2. In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under chapter 195, the person is presumed not to be the holder of the registration or form. The burden of producing evidence with respect to the registration or order form is upon such person claiming to be the authorized holder of the registration or form.

(L. 1989 S.B. 215 & 58, A.L. 2014 S.B. 491)

Transferred 2014; formerly 195.367; Effective 1-01-17

579.180 1/1/2017

579.185. Authorized state, county or municipal officers, good faith immunity from criminal liability. — No criminal liability is imposed by this chapter upon any authorized state, county, or municipal officer, lawfully engaged in the enforcement of this chapter in good faith.

(L. 1989 S.B. 215 & 58, A.L. 2014 S.B. 491)

Transferred 2014; formerly 195.371; Effective 1-01-17

----- 579.185 1/1/2017 -----

Missouri Revised Statutes

Chapter 558

Imprisonment

558.002. Fines for felonies. — 1. Except as otherwise provided for an offense outside this code, a person who has been convicted of an offense may be sentenced to pay a fine which does not exceed:

- (1) For a class C, D, or E felony, ten thousand dollars;
- (2) For a class A misdemeanor, two thousand dollars;
- (3) For a class B misdemeanor, one thousand dollars;
- (4) For a class C misdemeanor, seven hundred fifty dollars;
- (5) For a class D misdemeanor, five hundred dollars;
- (6) For an infraction, four hundred dollars; or
- (7) If the person has gained money or property through the commission of the offense, to pay an amount, fixed by the court, not exceeding double the amount of the person's gain from the commission of the offense.

2. A sentence to pay a fine, when imposed on a corporation for an offense defined in this code or for any offense defined outside this code for which no specific corporate fine is specified, shall be a sentence to pay an amount, fixed by the court, which does not exceed:

- (1) For a felony, twenty thousand dollars;
- (2) For a misdemeanor, ten thousand dollars;
- (3) For an infraction, one thousand dollars; or
- (4) If the corporation has gained money or property through the commission of the offense, to pay an amount, fixed by the court, not exceeding double the amount of the corporation's gain from the commission of the offense.

3. As used in this section the term "gain" means the amount of money or the value of property derived from the commission of the offense. The amount of money or value of property returned to the victim of the offense or seized by or surrendered to lawful authority prior to the time sentence is imposed shall be deducted from the fine. When the court imposes a fine based on gain the court shall make a finding as to the amount of the offender's gain from the crime. If the record does not contain sufficient evidence to support such a finding, the court may conduct a hearing upon the issue.

(L. 1977 S.B. 60, A.L. 2014 S.B. 491)

Transferred 2014; formerly 560.011; Effective 1-01-17

558.002 1/1/2017

558.003. Fine for juvenile justice preservation fund, when, amount. — The prosecuting attorney shall have discretion to charge an offender convicted of an offense in which the victim was a child a fine of up to five hundred dollars for

each offense. Such fine shall be deposited in the juvenile justice preservation fund, created under section 211.435. The provisions of this section shall expire if the provisions of subsection 1 of section 211.435 expire.

(L. 2018 S.B. 793 merged with S.B. 800)

558.003 8/28/2018

558.004. Imposition of fines. — 1. In determining the amount and the method of payment of a fine, the court shall, insofar as practicable, proportion the fine to the burden that payment will impose in view of the financial resources of an individual. The court shall not sentence an offender to pay a fine in any amount which will prevent him or her from making restitution or reparation to the victim of the offense.

2. When any other disposition is authorized by statute, the court shall not sentence an individual to pay a fine only unless, having regard to the nature and circumstances of the offense and the history and character of the offender, it is of the opinion that the fine alone will suffice for the protection of the public.

3. The court shall not sentence an individual to pay a fine in addition to any other sentence authorized by section 557.011 unless:

- (1) He or she has derived a pecuniary gain from the offense; or
- (2) The court is of the opinion that a fine is uniquely adapted to deterrence of the type of offense involved or to the correction of the defendant.

4. When an offender is sentenced to pay a fine, the court may provide for the payment to be made within a specified period of time or in specified installments. If no such provision is made a part of the sentence, the fine shall be payable forthwith.

5. When an offender is sentenced to pay a fine, the court shall not impose at the same time an alternative sentence to be served in the event that the fine is not paid. The response of the court to nonpayment shall be determined only after the fine has not been paid, as provided in section 558.006.

(L. 1977 S.B. 60, A.L. 2014 S.B. 491)

Transferred 2014; formerly 560.026; Effective 1-01-17

558.004 1/1/2017

558.006. Nonpayment of fine, means to collect. — When an offender sentenced to pay a fine defaults in the payment of the fine or in any installment, the fine or installment shall be collected by any means authorized for the collection of money judgments, other than a lien against real estate, or may be waived at the discretion of the sentencing judge.

(L. 1977 S.B. 60, A.L. 2014 S.B. 491, A.L. 2019 H.B. 192)
Transferred 2014; formerly 560.031; Effective 1-01-17
558.006 8/28/2019

558.008. Revocation of a fine. — A defendant who has been sentenced to pay a fine may at any time petition the sentencing court for a revocation of a fine or any unpaid portion thereof. If it appears to the satisfaction of the court that the circumstances which warranted the imposition of the fine no longer exist or that it would otherwise be unjust to require payment of the fine, the court may revoke the fine or the unpaid portion in whole or in part or may modify the method of payment.

(L. 1977 S.B. 60, A.L. 2014 S.B. 491)
Transferred 2014; formerly 560.036; Effective 1-01-17
558.008 1/1/2017

558.011. Sentence of imprisonment, terms — conditional release. — 1. The authorized terms of imprisonment, including both prison and conditional release terms, are:

- (1) For a class A felony, a term of years not less than ten years and not to exceed thirty years, or life imprisonment;
- (2) For a class B felony, a term of years not less than five years and not to exceed fifteen years;
- (3) For a class C felony, a term of years not less than three years and not to exceed ten years;
- (4) For a class D felony, a term of years not to exceed seven years;
- (5) For a class E felony, a term of years not to exceed four years;
- (6) For a class A misdemeanor, a term not to exceed one year;
- (7) For a class B misdemeanor, a term not to exceed six months;
- (8) For a class C misdemeanor, a term not to exceed fifteen days.

2. In cases of class D and E felonies, the court shall have discretion to imprison for a special term not to exceed one year in the county jail or other authorized penal institution, and the place of confinement shall be fixed by the court. If the court imposes a sentence of imprisonment for a term longer than one year upon a person convicted of a class D or E felony, it shall commit the person to the custody of the department of corrections.

3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall commit the person to the custody of the department of corrections for the term imposed under section 557.036, or until released under procedures established elsewhere by law.

(2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the court shall commit the person

to the county jail or other authorized penal institution for the term of his or her sentence or until released under procedure established elsewhere by law.

4. (1) Except as otherwise provided, a sentence of imprisonment for a term of years for felonies other than dangerous felonies as defined in section 556.061, and other than sentences of imprisonment which involve the individual's fourth or subsequent remand to the department of corrections shall consist of a prison term and a conditional release term. The conditional release term of any term imposed under section 557.036 shall be:

- (a) One-third for terms of nine years or less;
- (b) Three years for terms between nine and fifteen years;
- (c) Five years for terms more than fifteen years; and the prison term shall be the remainder of such term. The prison term may be extended by the parole board pursuant to subsection 5 of this section.

(2) "Conditional release" means the conditional discharge of an offender by the parole board, subject to conditions of release that the parole board deems reasonable to assist the offender to lead a law-abiding life, and subject to the supervision under the division of probation and parole. The conditions of release shall include avoidance by the offender of any other offense, federal or state, and other conditions that the parole board in its discretion deems reasonably necessary to assist the releasee in avoiding further violation of the law.

5. The date of conditional release from the prison term may be extended up to a maximum of the entire sentence of imprisonment by the parole board. The director of any division of the department of corrections except the division of probation and parole may file with the parole board a petition to extend the conditional release date when an offender fails to follow the rules and regulations of the division or commits an act in violation of such rules. Within ten working days of receipt of the petition to extend the conditional release date, the parole board shall convene a hearing on the petition. The offender shall be present and may call witnesses in his or her behalf and cross-examine witnesses appearing against the offender. The hearing shall be conducted as provided in section 217.670. If the violation occurs in close proximity to the conditional release date, the conditional release may be held for a maximum of fifteen working days to permit necessary time for the division director to file a petition for an extension with the parole board and for the parole board to conduct a hearing, provided some affirmative manifestation of an intent to extend the conditional release has occurred prior to the conditional release date. If at the end of a fifteen-working-day period a parole board decision has not been reached, the offender shall be released conditionally. The decision of the parole board shall be final.

(L. 1977 S.B. 60, A.L. 1979 S.B. 234, A.L. 1982 H.B. 1196, A.L. 1984 S.B. 611, A.L. 1990 H.B. 974, A.L. 1994 S.B. 763, A.L. 2003 S.B. 5, A.L. 2014 S.B. 491, A.L. 2021 S.B. 26 merged with S.B. 53 & 60)

(2010) Statutory amendment in 1990 removing conditional release eligibility for inmates convicted of certain violent felonies is constitutional under original purpose, single subject, ex post facto, and retrospective provisions. *Rentschler v. Nixon*, 311 S.W.3d 783 (Mo.banc).

558.011 8/28/2021

558.016. Extended terms for prior criminal conduct – definitions – sentencing. – 1. The court may sentence a person who has been found guilty of an offense to a term of imprisonment as authorized by section 558.011 or to a term of imprisonment authorized by a statute governing the offense if it finds the defendant is a prior offender or a persistent misdemeanor offender. The court may sentence a person to an extended term of imprisonment if:

(1) The defendant is a persistent offender or a dangerous offender, and the person is sentenced under subsection 7 of this section;

(2) The statute under which the person was found guilty contains a sentencing enhancement provision that is based on a prior finding of guilt or a finding of prior criminal conduct and the person is sentenced according to the statute; or

(3) A more specific sentencing enhancement provision applies that is based on a prior finding of guilt or a finding of prior criminal conduct.

2. A "prior offender" is one who has been found guilty of one felony.

3. A "persistent offender" is one who has been found guilty of two or more felonies committed at different times, or one who has been previously found guilty of a dangerous felony as defined in subdivision (19) of section 556.061.

4. A "dangerous offender" is one who:

(1) Is being sentenced for a felony during the commission of which he knowingly murdered or endangered or threatened the life of another person or knowingly inflicted or attempted or threatened to inflict serious physical injury on another person; and

(2) Has been found guilty of a class A or B felony or a dangerous felony.

5. A "persistent misdemeanor offender" is one who has been found guilty of two or more offenses, committed at different times that are classified as A or B misdemeanors under the laws of this state.

6. The findings of guilt shall be prior to the date of commission of the present offense.

7. The court shall sentence a person, who has been found to be a persistent offender or a dangerous offender, and is found guilty of a class B, C, D, or E felony to the authorized term of

imprisonment for the offense that is one class higher than the offense for which the person is found guilty.

(L. 1977 S.B. 60, A.L. 1980 H.B. 1138, et al., A.L. 1981 H.B. 554, A.L. 1990 H.B. 974, A.L. 2003 S.B. 5, A.L. 2005 H.B. 353, A.L. 2014 S.B. 491, A.L. 2024 S.B. 754, et al.)

(1986) Evidence of prior conviction may include admission of such conviction under direct examination or cross examination, or a memorandum of such conviction from the court division file. *State v. Hughes*, 713 S.W.2d 11 (Mo.App.E.D.).

558.016 8/28/2024

558.019. Prior felony convictions, minimum prison terms – prison commitment defined – dangerous felony, minimum term prison term, how calculated – sentencing commission created, members, duties – expenses – cooperation with commission – restorative justice methods – restitution fund. – 1. This section shall not be construed to affect the powers of the governor under Article IV, Section 7, of the Missouri Constitution. This statute shall not affect those provisions of section 565.020 or section 566.125, which set minimum terms of sentences, or the provisions of section 559.115, relating to probation.

2. The provisions of subsections 2 to 5 of this section shall only be applicable to the offenses contained in sections 565.021, 565.023, 565.024, 565.027, 565.050, 565.052, 565.054, 565.072, 565.073, 565.074, 565.090, 565.110, 565.115, 565.120, 565.153, 565.156, 565.225, 565.300, 566.030, 566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.086, 566.100, 566.101, 566.103, 566.111, 566.115, 566.145, 566.151, 566.153, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215, 568.030, 568.045, 568.060, 568.065, 568.175, 569.040, 569.160, 570.023, 570.025, 570.030 when punished as a class A, B, or C felony, 570.145 when punished as a class A or B felony, 570.223 when punished as a class B or C felony, 571.020, 571.030, 571.070, 573.023, 573.025, 573.035, 573.037, 573.200, 573.205, 574.070, 574.080, 574.115, 575.030, 575.150, 575.153, 575.155, 575.157, 575.200 when punished as a class A felony, 575.210, 575.230 when punished as a class B felony, 575.240 when punished as a class B felony, 576.070, 576.080, 577.010, 577.013, 577.078, 577.703, 577.706, 579.065, and 579.068 when punished as a class A or B felony. For the purposes of this section, "prison commitment" means and is the receipt by the department of corrections of an offender after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include an offender's first incarceration prior to release on probation under section 217.362 or 559.115. Other provisions of the law to the contrary notwithstanding, any offender who has been found guilty of a felony other than a dangerous felony as defined in section 556.061 and is committed to the department of corrections shall be required to serve the following minimum prison terms:

(1) If the offender has one previous prison commitment to the department of corrections for a felony offense, the minimum prison term which the offender must serve shall be forty percent of his or her sentence or until the offender attains seventy years of age, and has served at least thirty percent of the sentence imposed, whichever occurs first;

(2) If the offender has two previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be fifty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(3) If the offender has three or more previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be eighty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

3. Other provisions of the law to the contrary notwithstanding, any offender who has been found guilty of a dangerous felony as defined in section 556.061 and is committed to the department of corrections shall be required to serve a minimum prison term of eighty-five percent of the sentence imposed by the court or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

4. For the purpose of determining the minimum prison term to be served, the following calculations shall apply:

(1) A sentence of life shall be calculated to be thirty years;

(2) Any sentence either alone or in the aggregate with other consecutive sentences for offenses committed at or near the same time which is over seventy-five years shall be calculated to be seventy-five years.

5. For purposes of this section, the term "minimum prison term" shall mean time required to be served by the offender before he or she is eligible for parole, conditional release or other early release by the department of corrections.

6. An offender who was convicted of, or pled guilty to, a felony offense other than those offenses listed in subsection 2 of this section prior to August 28, 2019, shall no longer be subject to the minimum prison term provisions under subsection 2 of this section, and shall be eligible for parole, conditional release, or other early release by the department of corrections according to the rules and regulations of the department.

7. (1) A sentencing advisory commission is hereby created to consist of eleven members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the senate. One member shall be the director of the department of corrections. Six members shall be appointed by and serve at the pleasure of the governor from among the following:

the public defender commission; private citizens; a private member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be appointed by the supreme court, one from a metropolitan area and one from a rural area. All members shall be appointed to a four-year term. All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of the governor.

(2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length of sentences imposed and the use of probation for offenders convicted of the same or similar offenses and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons therefor, if sentences are comparable to other states, if the length of the sentence is appropriate, and the rate of rehabilitation based on sentence. It shall compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes.

(3) The commission shall study alternative sentences, prison work programs, work release, home-based incarceration, probation and parole options, and any other programs and report the feasibility of these options in Missouri.

(4) The governor shall select a chairperson who shall call meetings of the commission as required or permitted pursuant to the purpose of the sentencing commission.

(5) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not reimbursed by reason of their other paid positions.

(6) The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the commission by providing information or access to information needed by the commission. The office of the state courts administrator will provide needed staffing resources.

8. Courts shall retain discretion to lower or exceed the sentence recommended by the commission as otherwise allowable by law, and to order restorative justice methods, when applicable.

9. If the imposition or execution of a sentence is suspended, the court may order any or all of the following restorative justice methods, or any other method that the court finds just or appropriate:

(1) Restitution to any victim or a statutorily created fund for costs incurred as a result of the offender's actions;

- (2) Offender treatment programs;
- (3) Mandatory community service;
- (4) Work release programs in local facilities; and
- (5) Community-based residential and nonresidential programs.

10. Pursuant to subdivision (1) of subsection 9 of this section, the court may order the assessment and payment of a designated amount of restitution to a county law enforcement restitution fund established by the county commission pursuant to section 50.565. Such contribution shall not exceed three hundred dollars for any charged offense. Any restitution moneys deposited into the county law enforcement restitution fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565.

11. A judge may order payment to a restitution fund only if such fund had been created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering a person to make payment.

12. A person who fails to make a payment to a county law enforcement restitution fund may not have his or her probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the person either willfully refused to make the payment or that the person willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.

13. Nothing in this section shall be construed to allow the sentencing advisory commission to issue recommended sentences in specific cases pending in the courts of this state.

(L. 1986 H.B. 1098 § 1, A.L. 1988 H.B. 1340 & 1348, A.L. 1989 S.B. 215 & 58, A.L. 1990 H.B. 974, A.L. 1993 H.B. 562, A.L. 1994 S.B. 763, A.L. 1998 H.B. 1508 merged with S.B. 766, A.L. 2003 S.B. 5, A.L. 2004 H.B. 1055, A.L. 2005 H.B. 353, A.L. 2012 S.B. 628, A.L. 2014 S.B. 491, A.L. 2014 H.B. 1371, A.L. 2019 H.B. 192, A.L. 2024 S.B. 754, et al.)

(2018) General Assembly did not express its intent to have 2017 amendment to section apply retroactively, thus it only applies prospectively. *Wagner v. Bowyer*, 559 S.W.3d 26 (Mo. App. E.D.).

558.019 8/28/2024

558.021. Extended term procedures. — 1. The court shall find the defendant to be a prior offender, persistent offender, dangerous offender, persistent sexual offender or predatory sexual offender if:

- (1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior offender, persistent offender, dangerous offender, persistent sexual offender or predatory sexual offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt that the defendant is a prior offender, persistent offender, dangerous offender, persistent sexual offender or predatory sexual offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender, persistent offender, dangerous offender, persistent sexual offender or predatory sexual offender.

2. In a jury trial, the facts shall be pleaded, established and found prior to submission to the jury outside of its hearing, except the facts required by subdivision (1) of subsection 4 of section 558.016 may be established and found at a later time, but prior to sentencing, and may be established by judicial notice of prior testimony before the jury.

3. In a trial without a jury or upon a plea of guilty, the court may defer the proof and findings of such facts to a later time, but prior to sentencing. The facts required by subdivision (1) of subsection 4 of section 558.016 may be established by judicial notice of prior testimony or the plea of guilty.

4. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

5. The defendant may waive proof of the facts alleged.

6. Nothing in this section shall prevent the use of presentence investigations or commitments under sections 557.026 and 557.031.

7. At the sentencing hearing both the state and the defendant shall be permitted to present additional information bearing on the issue of sentence.

(L. 1977 S.B. 60, A.L. 1981 H.B. 554, A.L. 1996 H.B. 974) 558.021 8/28/1996

558.026. Concurrent and consecutive terms of imprisonment. — 1. Multiple sentences of imprisonment shall run concurrently unless the court specifies that they shall run consecutively; except in the case of multiple sentences of imprisonment imposed for any offense committed during or at the same time as, or multiple offenses of, the following felonies:

- (1) Rape in the first degree, forcible rape, or rape;
- (2) Statutory rape in the first degree;
- (3) Sodomy in the first degree, forcible sodomy, or sodomy;
- (4) Statutory sodomy in the first degree; or
- (5) An attempt to commit any of the felonies listed in this subsection. In such case, the sentence of imprisonment imposed for any felony listed in this subsection or an attempt to commit any of the aforesaid shall run consecutively to the other sentences. The sentences imposed for any other offense may run concurrently.

2. If a person who is on probation, parole or conditional release is sentenced to a term of imprisonment for an offense committed after the granting of probation or parole or after the start of his or her conditional release term, the court shall direct the manner in which the sentence or sentences imposed by the court shall run with respect to any resulting probation, parole or conditional release revocation term or terms. If the subsequent sentence to imprisonment is in another jurisdiction, the court shall specify how any resulting probation, parole or conditional release revocation term or terms shall run with respect to the foreign sentence of imprisonment.

3. A court may cause any sentence it imposes to run concurrently with a sentence an individual is serving or is to serve in another state or in a federal correctional center. If the Missouri sentence is served in another state or in a federal correctional center, subsection 4 of section 558.011 and section 217.690 shall apply as if the individual were serving his or her sentence within the department of corrections of the state of Missouri, except that a personal hearing before the parole board shall not be required for parole consideration.

(L. 1977 S.B. 60, A.L. 1980 H.B. 1138, et al., A.L. 1982 H.B. 1196, A.L. 1983 H.B. 713 Revision, A.L. 1995 H.B. 424, A.L. 2013 H.B. 215, A.L. 2021 S.B. 26 merged with S.B. 53 & 60)

(1985) Court construed this section to mandate consecutive sentences for rape and sodomy committed by defendant at the same time. *Adams v. State*, 688 S.W.2d 401 (Mo.App.).

(1991) Although statute requires consecutive sentences any time a sex crime is committed at the same time as any other felony, even if the additional felony is also a sex crime, the sentencing court has discretion to run sentences concurrently, when a defendant's convictions consist only of sex offenses. *State v. Harger*, 804 S.W.2d 35 (Mo. App.).

558.026 8/28/2021

558.031. Calculation of terms of imprisonment — credit for jail time awaiting trial, requirements. — 1. A sentence of imprisonment shall commence when a person convicted of an offense in this state is received into the custody of the department of corrections or other place of confinement where the offender is sentenced.

2. Such person shall receive credit toward the service of a sentence of imprisonment for all time in prison, jail or custody after the offense occurred and before the commencement of the sentence, when the time in custody was related to that offense. This credit shall be based upon the certification of the sheriff as provided in subdivision (3) of subsection 2 of section 217.305 and may be supplemented by a certificate of a sheriff or other custodial officer from another jurisdiction having held the person on the charge of the offense for which the sentence of imprisonment is ordered.

3. The officer required by law to deliver a person convicted of an offense in this state to the department of corrections shall endorse upon the papers required by section 217.305

both the dates the offender was in custody and the period of time to be credited toward the service of the sentence of imprisonment, except as endorsed by such officer.

4. If a person convicted of an offense escapes from custody, such escape shall interrupt the sentence. The interruption shall continue until such person is returned to the correctional center where the sentence was being served, or in the case of a person committed to the custody of the department of corrections, to any correctional center operated by the department of corrections. An escape shall also interrupt the jail time credit to be applied to a sentence which had not commenced when the escape occurred.

5. If a sentence of imprisonment is vacated and a new sentence imposed upon the offender for that offense, all time served under the vacated sentence shall be credited against the new sentence, unless the time has already been credited to another sentence as provided in subsection 1 of this section.

6. If a person released from imprisonment on parole or serving a conditional release term violates any of the conditions of his or her parole or release, he or she may be treated as a parole violator. If the parole board revokes the parole or conditional release, the paroled person shall serve the remainder of the prison term and conditional release term, as an additional prison term, and the conditionally released person shall serve the remainder of the conditional release term as a prison term, unless released on parole.

7. Subsection 2 of this section shall be applicable to offenses for which the offender was sentenced on or after August 28, 2023.

8. The total amount of credit given shall not exceed the number of days spent in prison, jail, or custody after the offense occurred and before the commencement of the sentence.

(L. 1977 S.B. 60, A.L. 1990 H.B. 974, A.L. 1995 H.B. 424, A.L. 2014 S.B. 491, A.L. 2021 S.B. 26 merged with S.B. 53 & 60, A.L. 2023 S.B. 186)

558.031 8/28/2023

558.041. "Good time" credit, exceptions — rules, procedure. — 1. Any offender committed to the department of corrections, except those persons committed pursuant to subsection 7 of section 558.016, or subsection 3 of section 566.125, may receive additional credit in terms of days spent in confinement upon recommendation for such credit by the offender's institutional superintendent when the offender meets the requirements for such credit as provided in subsections 3 and 4 of this section. Good time credit may be rescinded by the director or his or her designee pursuant to the divisional policy issued pursuant to subsection 3 of this section.

2. Any credit extended to an offender shall only apply to the sentence which the offender is currently serving.

3. The director of the department of corrections shall issue a policy for awarding credit. The policy may reward an inmate who has served his or her sentence in an orderly and peaceable manner and has taken advantage of the rehabilitation programs available to him or her. Any violation of institutional rules or the laws of this state may result in the loss of all or a portion of any credit earned by the inmate pursuant to this section.

4. The department shall cause the policy to be published in the code of state regulations.

5. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

(L. 1983 H.B. 671 § 1, A.L. 1986 S.B. 618 & 562, A.L. 1990 H.B. 974, A.L. 1993 S.B. 52, A.L. 1995 S.B. 3, A.L. 2014 S.B. 491)

Effective 1-01-17

558.041 1/1/2017

558.046. Reduction of term of sentence, conditions. — The sentencing court may, upon petition, reduce any term of sentence or probation pronounced by the court or a term of conditional release or parole pronounced by the parole board if the court determines that:

(1) The convicted person was:

(a) Convicted of an offense that did not involve violence or the threat of violence; and

(b) Convicted of an offense that involved alcohol or illegal drugs; and

(2) Since the commission of such offense, the convicted person has successfully completed a detoxification and rehabilitation program; and

(3) The convicted person is not:

(a) A prior offender, a persistent offender, a dangerous offender or a persistent misdemeanor offender as defined by section 558.016; or

(b) A persistent sexual offender as defined in section 566.125; or

(c) A prior offender, a persistent offender or a class X offender* as defined in section 558.019.

(L. 1993 S.B. 167, A.L. 2014 S.B. 491, A.L. 2021 S.B. 26 merged with S.B. 53 & 60)

*Class X offender was repealed by H.B. 562, 1993.

558.046 8/28/2021

558.047. Persons under eighteen, review of sentence, when, procedure. — 1. (1) Any person sentenced to a term of imprisonment for life without eligibility for parole before August 28, 2016, who was under eighteen years of age at the time of the commission of the offense or offenses, may

submit to the parole board a petition for a review of his or her sentence, regardless of whether the case is final for purposes of appeal, after serving twenty-five years of incarceration on the sentence of life without parole.

(2) Any person found guilty of murder in the first degree who was sentenced on or after August 28, 2016, to a term of life imprisonment with eligibility for parole or a term of imprisonment of not less than thirty years and not to exceed forty years, who was under eighteen years of age at the time of the commission of the offense or offenses may submit to the parole board a petition for a review of his or her sentence, regardless of whether the case is final for purposes of appeal, after serving twenty-five years of incarceration, and a subsequent petition after serving thirty-five years of incarceration.

2. A copy of the petition shall be served on the office of the prosecutor in the judicial circuit of original jurisdiction. The petition shall include the person's statement that he or she was under eighteen years of age at the time of the offense, is eligible to petition under this section, and requests that his or her sentence be reviewed.

3. If any of the information required in subsection 2 of this section is missing from the petition, or if proof of service on the prosecuting or circuit attorney is not provided, the parole board shall return the petition to the person and advise him or her that the matter cannot be considered without the missing information.

4. The parole board shall hold a hearing and determine if the defendant shall be granted parole. At such a hearing, the victim or victim's family members shall retain their rights under section 595.209.

5. In a parole review hearing under this section, the board shall consider, in addition to the factors listed in section 565.033:

(1) Efforts made toward rehabilitation since the offense or offenses occurred, including participation in educational, vocational, or other programs during incarceration, when available;

(2) The subsequent growth and increased maturity of the person since the offense or offenses occurred;

(3) Evidence that the person has accepted accountability for the offense or offenses, except in cases where the person has maintained his or her innocence;

(4) The person's institutional record during incarceration; and

(5) Whether the person remains the same risk to society as he or she did at the time of the initial sentencing.

(L. 2016 S.B. 590)

Effective 7-13-16

558.047 7/13/2016