

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

STATE OF MISSOURI,	) No. ED109264
	)
Appellant,	) Appeal from the Circuit Court of
	) Jefferson County
vs.	)
	) Honorable Victor J. Melenbrink
JOSEPH E. VAUGHN,	)
	)
Respondent.	) Filed: December 28, 2021

The State of Missouri (“State”) appeals from the circuit court’s dismissal of an information against Joseph E. Vaughn (“Defendant”). On appeal, the State argues that the circuit court erred in granting Defendant’s motion to dismiss because § 195.205¹ “effectively amended” §§ 579.015 and 579.074, the drug and drug paraphernalia possession statutes the State charged Defendant with violating, therefore § 1.160 should apply to prohibit retroactive application of § 195.205.

AFFIRMED.

Division One Holds: Missouri’s savings statute, § 1.160, does not apply to new statutes. A new statutory provision *can* amend another statute; however, the General Assembly must intend for it to do so. A plain language reading of § 195.205, a new statutory provision, indicates no legislative intent to amend §§ 579.015 and 579.074. Nothing in § 195.205 *authorizes* possession under any circumstances, it merely states that the State shall not use the evidence to arrest, charge, prosecute, convict, seize the property of, or penalize an individual in certain circumstances. Furthermore, the General Assembly, which is presumed to act with full knowledge of the law, decided to enact § 195.205 as a new statutory provision, and even referred to it as a new statutory provision. Thus, the circuit court did not err in granting Defendant’s motion to dismiss.

Opinion by: Kelly C. Broniec, J.
Kurt S. Odenwald, P.J. and John P. Torbitzky, J. concur.

Attorney for Appellant: Kristen S. Johnson

Attorney for Respondent: Christopher P. Huber

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.
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¹ All statutory references of § 195.205 are to Mo. Rev. Stat. Cum. Supp. 2017. All other statutory references are to Mo. Rev. Stat. 2016, unless otherwise noted.