

HCS HB 239 -- CONTROLLED SUBSTANCE OFFENSES

SPONSOR: Schroer

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 16 to 0. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 8 to 0.

This bill adds to the offense of trafficking drugs in the first degree knowingly distributing, delivering, manufacturing, or producing or attempting to distribute, deliver, manufacture, or produce more than 10 milligrams but fewer than 20 milligrams of fentanyl or any derivative thereof, or any mixture or substance containing a detectable amount of fentanyl. If the violation involves 20 milligrams or more of fentanyl or any derivative thereof, or any mixture or substance containing a detectable amount of fentanyl, it is a class A felony. If it involves more than 10 milligrams but fewer than 20 milligrams, it is a class B felony. Additionally, one gram or more of flunitrazepam (Rohypnol) or any amount of gamma-hydroxybutyric acid (GHB) is a class B felony for the first offense and a class A felony for the second or subsequent offense.

The bill adds to the offense of trafficking drugs in the second degree knowingly possessing or having under one's control, purchasing or attempting to purchase, or bringing into the state more than 10 milligrams but fewer than 20 milligrams of fentanyl or any derivative thereof, or any mixture or substance containing a detectable amount of fentanyl. If the violation involves 60 grams or more of fentanyl or any derivative thereof, or any mixture or substance containing a detectable amount of fentanyl, it is a class B felony. If it involves more than 10 milligrams but fewer than 20 milligrams, it is a class C felony. Additionally, the offense is a class E felony for the first offense and class C felony for the second or subsequent offense for the trafficking of less than one gram of flunitrazepam (Rohypnol).

The bill also adds to the offense of possession of a controlled substance possession of flunitrazepam (Rohypnol) and gamma-hydroxybutyric acid (GHB), which is a class E felony.

PROPONENTS: Supporters say that this should have already been done since fentanyl is a dangerous street drug that is killing people at an alarming rate. The amounts added to the legislation are proper amounts because the equivalent of four grains of salt could kill someone. Because it is not currently in the criminal code, prosecutors usually charge for whatever substance the fentanyl is mixed with. However, fentanyl is usually trafficked alone, so

that's why it's so important to add to the criminal code. Federal statute does pick this up, but there is nothing in state statute. There are so many people who are being dropped off at hospitals with this substance in their veins, but it is meant to be used legally in proper amounts during surgery.

Testifying for the bill were Representative Schroer; Missouri Police Chiefs Association; Missouri Society of Anesthesiologists; Eric G. Zahnd, Missouri Association Of Prosecuting Attorneys; and Missouri Troopers Association.

OPPONENTS: There was no opposition voiced to the committee.