

HB 1450 -- CONTROLLED SUBSTANCE OFFENSES

SPONSOR: Schroer

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on General Laws by a vote of 10 to 2. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 5 to 3.

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 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 20 milligrams or more of fentanyl, it is a class A felony. If it involves more than 10 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 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 20 milligrams or more of fentanyl, it is a class B felony. If it involves more than 10 milligrams, it is a class C felony. Additionally, the offense is a class C felony for the first offense and class B felony for the second or subsequent offense for the trafficking of less than one gram of flunitrazepam (Rohypnol).

This bill is similar to HCS HB 239 (2019).

PROPOSERS: Supporters say that trafficking fentanyl has increased throughout Missouri and is affecting many people throughout the state. Fentanyl is very dangerous because it is mostly used as a date-rape drug and for tranquilizing horses. Fentanyl offenses are being prosecuted more frequently in St. Charles County, and there are more reported overdose cases related to the use of Fentanyl. Fentanyl is mostly made in China and Mexico, and it has become a drug that is easier to make than methamphetamine. Because Fentanyl is so harmful, proponents of this bill want a harsher law to stop the trafficking of Fentanyl.

Additionally, supporters said that Fentanyl is typically being laced with other drugs, like cocaine and heroin. This bill will allow prosecutors and judges to seek stiffer sentences for trafficking Fentanyl. Supporters said that although the penalty for trafficking Fentanyl would be harsher, the offender would still have the right to a jury trial.

Testifying for the bill were Representative Schroer; Missouri Troopers Association; Missouri Sheriffs Association; and the Missouri Association of Prosecuting Attorneys.

OPPONENTS: There was no opposition voiced to the committee.