

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 1133, Page 2, Section 558.031,  
2 Line 43, by inserting after all of said section and line the following:

3  
4 "579.065. 1. A person commits the offense of trafficking drugs in the first degree if, except  
5 as authorized by this chapter or chapter 195, such person knowingly distributes, delivers,  
6 manufactures, produces or attempts to distribute, deliver, manufacture or produce:

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

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

15 (3) ~~More than eight grams of a mixture or substance described in subdivision (2) of this~~  
16 ~~subsection which contains cocaine base;~~

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

19 (5) (4) More than thirty grams of a mixture or substance containing a detectable amount of  
20 phencyclidine (PCP);

21 (6) (5) More than four grams of phencyclidine;

22 (7) (6) More than thirty kilograms of a mixture or substance containing marijuana;

23 (8) (7) More than thirty grams of any material, compound, mixture, or preparation  
24 containing any quantity of the following substances having a stimulant effect on the central nervous  
25 system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine,  
26 its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or  
27 methylphenidate;

28 (9) (8) More than thirty grams of any material, compound, mixture, or preparation which  
29 contains any quantity of 3,4-methylenedioxymethamphetamine;

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1           ~~[(10)]~~ (9) One gram or more of flunitrazepam for the first offense;  
2           ~~[(11)]~~ (10) Any amount of gamma-hydroxybutyric acid for the first offense; or  
3           ~~[(12)]~~ (11) More than ten milligrams of fentanyl or carfentanil, or any derivative thereof, or  
4 any combination thereof, or any compound, mixture, or substance containing a detectable amount of  
5 fentanyl or carfentanil, or their optical isomers or analogues.

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

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

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

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

17           (3) ~~Twenty-four grams or more of a mixture or substance described in subdivision (2) of~~  
18 ~~this subsection which contains cocaine base; or~~

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

21           ~~[(5)]~~ (4) Ninety grams or more of a mixture or substance containing a detectable amount of  
22 phencyclidine (PCP); or

23           ~~[(6)]~~ (5) Twelve grams or more of phencyclidine; or

24           ~~[(7)]~~ (6) One hundred kilograms or more of a mixture or substance containing marijuana; or

25           ~~[(8)]~~ (7) Ninety grams or more of any material, compound, mixture, or preparation  
26 containing any quantity of the following substances having a stimulant effect on the central nervous  
27 system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine,  
28 its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or  
29 methylphenidate; or

30           ~~[(9)]~~ (8) More than thirty grams of any material, compound, mixture, or preparation  
31 containing any quantity of the following substances having a stimulant effect on the central nervous  
32 system: amphetamine, its salts, optical isomers, and salts of its optical isomers; methamphetamine,  
33 its salts, optical isomers, and salts of its optical isomers; phenmetrazine and its salts; or  
34 methylphenidate, and the location of the offense was within two thousand feet of real property  
35 comprising a public or private elementary, vocational, or secondary school, college, community  
36 college, university, or any school bus, in or on the real property comprising public housing or any  
37 other governmental assisted housing, or within a motor vehicle, or in any structure or building  
38 which contains rooms furnished for the accommodation or lodging of guests, and kept, used,

1 maintained, advertised, or held out to the public as a place where sleeping accommodations are  
2 sought for pay or compensation to transient guests or permanent guests; or

3 ~~[(10)]~~ (9) Ninety grams or more of any material, compound, mixture or preparation which  
4 contains any quantity of 3,4-methylenedioxyamphetamine; or

5 ~~[(11)]~~ (10) More than thirty grams of any material, compound, mixture, or preparation  
6 which contains any quantity of 3,4-methylenedioxyamphetamine and the location of the  
7 offense was within two thousand feet of real property comprising a public or private elementary,  
8 vocational, or secondary school, college, community college, university, or any school bus, in or on  
9 the real property comprising public housing or any other governmental assisted housing, within a  
10 motor vehicle, or in any structure or building which contains rooms furnished for the  
11 accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the  
12 public as a place where sleeping accommodations are sought for pay or compensation to transient  
13 guests or permanent guests; or

14 ~~[(12)]~~ (11) One gram or more of flunitrazepam for a second or subsequent offense; or

15 ~~[(13)]~~ (12) Any amount of gamma-hydroxybutyric acid for a second or subsequent offense;

16 or

17 ~~[(14)]~~ (13) Twenty milligrams or more of fentanyl or carfentanil, or any derivative thereof,  
18 or any combination thereof, or any compound, mixture, or substance containing a detectable amount  
19 of fentanyl or carfentanil, or their optical isomers or analogues.

20 579.068. 1. A person commits the offense of trafficking drugs in the second degree if,  
21 except as authorized by this chapter or chapter 195, such person knowingly possesses or has under  
22 his or her control, purchases or attempts to purchase, or brings into this state:

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

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

31 (3) ~~More than eight grams of a mixture or substance described in subdivision (2) of this~~  
32 ~~subsection which contains cocaine base;~~

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

35 ~~[(5)]~~ (4) More than thirty grams of a mixture or substance containing a detectable amount of  
36 phencyclidine (PCP);

37 ~~[(6)]~~ (5) More than four grams of phencyclidine;

38 ~~[(7)]~~ (6) More than thirty kilograms of a mixture or substance containing marijuana;

1           ~~[(8)]~~ (7) More than thirty grams of any material, compound, mixture, or preparation  
2 containing any quantity of the following substances having a stimulant effect on the central nervous  
3 system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine,  
4 its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or  
5 methylphenidate;

6           ~~[(9)]~~ (8) More than thirty grams of any material, compound, mixture, or preparation which  
7 contains any quantity of 3,4-methylenedioxyamphetamine; or

8           ~~[(10)]~~ (9) More than ten milligrams of fentanyl or carfentanil, or any derivative thereof, or  
9 any combination thereof, or any compound, mixture, or substance containing a detectable amount of  
10 fentanyl or carfentanil, or their optical isomers or analogues.

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

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

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

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

22           (3) ~~Twenty-four grams or more of a mixture or substance described in subdivision (2) of~~  
23 ~~this subsection which contains cocaine base; or~~

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

26           ~~[(5)]~~ (4) Ninety grams or more of a mixture or substance containing a detectable amount of  
27 phencyclidine (PCP); or

28           ~~[(6)]~~ (5) Twelve grams or more of phencyclidine; or

29           ~~[(7)]~~ (6) One hundred kilograms or more of a mixture or substance containing marijuana; or

30           ~~[(8)]~~ (7) More than five hundred marijuana plants; or

31           ~~[(9)]~~ (8) Ninety grams or more but less than four hundred fifty grams of any material,  
32 compound, mixture, or preparation containing any quantity of the following substances having a  
33 stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of  
34 its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers;  
35 phenmetrazine and its salts; or methylphenidate; or

36           ~~[(10)]~~ (9) Ninety grams or more but less than four hundred fifty grams of any material,  
37 compound, mixture, or preparation which contains any quantity of 3,4-  
38 methylenedioxyamphetamine; or

1           ~~[(11)]~~ (10) Twenty milligrams or more of fentanyl or carfentanil, or any derivative thereof,  
2 or any combination thereof, or any compound, mixture, or substance containing a detectable amount  
3 of fentanyl or carfentanil, or their optical isomers or analogues.

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

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

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

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

15  
16 Further amend said bill by amending the title, enacting clause, and intersectional references  
17 accordingly.