

FIRST REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1133
102ND GENERAL ASSEMBLY

2456H.03P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 558.031, 579.065, and 579.068, RSMo, and to enact in lieu thereof three new sections relating to judicial proceedings.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 558.031, 579.065, and 579.068, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 558.031, 579.065, and 579.068,
3 to read as follows:

558.031. 1. A sentence of imprisonment shall commence when a person convicted of
2 an offense in this state is received into the custody of the department of corrections or other
3 place of confinement where the offender is sentenced.

4 2. Such person shall receive credit toward the service of a sentence of imprisonment
5 for all time in prison, jail or custody after ~~[conviction]~~ **the offense occurred** and before the
6 commencement of the sentence, when the time in custody was related to that offense~~[-and]~~.
7 **This credit shall be based upon the certification of the sheriff as provided in subdivision**
8 **(3) of subsection 2 of section 217.305 and may be supplemented by a certificate of a**
9 **sheriff or other custodial officer from another jurisdiction having held the person on the**
10 **charge of the offense for which the sentence of imprisonment is ordered.** The circuit
11 court may, when pronouncing sentence, award **additional** credit for time spent in prison, jail,
12 or custody after the offense occurred and before ~~[conviction]~~ **the commencement of the**
13 **sentence** toward the service of the sentence of imprisonment **for those offenses for which**
14 **the person was incarcerated but for whom no detainer or warrant was served**, except:

15 (1) Such credit shall only be applied once when sentences are consecutive;

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 (2) Such credit shall only be applied if the person convicted was in custody in the
17 state of Missouri, unless such custody was compelled exclusively by the state of Missouri's
18 action; and

19 (3) As provided in section 559.100.

20 3. The officer required by law to deliver a person convicted of an offense in this state
21 to the department of corrections shall endorse upon the papers required by section 217.305
22 both the dates the offender was in custody and the period of time to be credited toward the
23 service of the sentence of imprisonment, except as endorsed by such officer.

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

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

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

40 7. Subsection 2 of this section shall be applicable to offenses ~~[occurring]~~ **for which**
41 **the offender was sentenced** on or after August 28, ~~[2024]~~ **2023**.

42 **8. The total amount of credit given shall not exceed the number of days between**
43 **the date of offense and commencement of sentence.**

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

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

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

10 salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains
11 any quantity of any of the foregoing substances;

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

14 ~~(4)]~~ More than five hundred milligrams of a mixture or substance containing a
15 detectable amount of lysergic acid diethylamide (LSD);

16 ~~[(5)]~~ (4) More than thirty grams of a mixture or substance containing a detectable
17 amount of phencyclidine (PCP);

18 ~~[(6)]~~ (5) More than four grams of phencyclidine;

19 ~~[(7)]~~ (6) More than thirty kilograms of a mixture or substance containing marijuana;

20 ~~[(8)]~~ (7) More than thirty grams of any material, compound, mixture, or preparation
21 containing any quantity of the following substances having a stimulant effect on the central
22 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
23 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine
24 and its salts; or methylphenidate;

25 ~~[(9)]~~ (8) More than thirty grams of any material, compound, mixture, or preparation
26 which contains any quantity of 3,4-methylenedioxymethamphetamine;

27 ~~[(10)]~~ (9) One gram or more of flunitrazepam for the first offense;

28 ~~[(11)]~~ (10) Any amount of gamma-hydroxybutyric acid for the first offense; or

29 ~~[(12)]~~ (11) More than ten milligrams of fentanyl or carfentanil, or any derivative
30 thereof, or any combination thereof, or any compound, mixture, or substance containing a
31 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

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

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

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

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

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

45 ~~(4)]~~ One gram or more of a mixture or substance containing a detectable amount of
46 lysergic acid diethylamide (LSD); or

47 ~~[(5)]~~ **(4)** Ninety grams or more of a mixture or substance containing a detectable
48 amount of phencyclidine (PCP); or

49 ~~[(6)]~~ **(5)** Twelve grams or more of phencyclidine; or

50 ~~[(7)]~~ **(6)** One hundred kilograms or more of a mixture or substance containing
51 marijuana; or

52 ~~[(8)]~~ **(7)** Ninety grams or more of any material, compound, mixture, or preparation
53 containing any quantity of the following substances having a stimulant effect on the central
54 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
55 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine
56 and its salts; or methylphenidate; or

57 ~~[(9)]~~ **(8)** More than thirty grams of any material, compound, mixture, or preparation
58 containing any quantity of the following substances having a stimulant effect on the central
59 nervous system: amphetamine, its salts, optical isomers, and salts of its optical isomers;
60 methamphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine
61 and its salts; or methylphenidate, and the location of the offense was within two thousand feet
62 of real property comprising a public or private elementary, vocational, or secondary school,
63 college, community college, university, or any school bus, in or on the real property
64 comprising public housing or any other governmental assisted housing, or within a motor
65 vehicle, or in any structure or building which contains rooms furnished for the
66 accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to
67 the public as a place where sleeping accommodations are sought for pay or compensation to
68 transient guests or permanent guests; or

69 ~~[(10)]~~ **(9)** Ninety grams or more of any material, compound, mixture or preparation
70 which contains any quantity of 3,4-methylenedioxymethamphetamine; or

71 ~~[(11)]~~ **(10)** More than thirty grams of any material, compound, mixture, or
72 preparation which contains any quantity of 3,4-methylenedioxymethamphetamine and the
73 location of the offense was within two thousand feet of real property comprising a public or
74 private elementary, vocational, or secondary school, college, community college, university,
75 or any school bus, in or on the real property comprising public housing or any other
76 governmental assisted housing, within a motor vehicle, or in any structure or building which
77 contains rooms furnished for the accommodation or lodging of guests, and kept, used,
78 maintained, advertised, or held out to the public as a place where sleeping accommodations
79 are sought for pay or compensation to transient guests or permanent guests; or

80 ~~[(12)]~~ **(11)** One gram or more of flunitrazepam for a second or subsequent offense; or

81 ~~[(13)]~~ **(12)** Any amount of gamma-hydroxybutyric acid for a second or subsequent
82 offense; or

83 ~~[(14)]~~ **(13)** Twenty milligrams or more of fentanyl or carfentanil, or any derivative
84 thereof, or any combination thereof, or any compound, mixture, or substance containing a
85 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

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

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

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

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

14 ~~(4)]~~ More than five hundred milligrams of a mixture or substance containing a
15 detectable amount of lysergic acid diethylamide (LSD);

16 ~~[(5)]~~ **(4)** More than thirty grams of a mixture or substance containing a detectable
17 amount of phencyclidine (PCP);

18 ~~[(6)]~~ **(5)** More than four grams of phencyclidine;

19 ~~[(7)]~~ **(6)** More than thirty kilograms of a mixture or substance containing marijuana;

20 ~~[(8)]~~ **(7)** More than thirty grams of any material, compound, mixture, or preparation
21 containing any quantity of the following substances having a stimulant effect on the central
22 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
23 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine
24 and its salts; or methylphenidate;

25 ~~[(9)]~~ **(8)** More than thirty grams of any material, compound, mixture, or preparation
26 which contains any quantity of 3,4-methylenedioxymethamphetamine; or

27 ~~[(10)]~~ **(9)** More than ten milligrams of fentanyl or carfentanil, or any derivative
28 thereof, or any combination thereof, or any compound, mixture, or substance containing a
29 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

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

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

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

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

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

43 ~~(4)]~~ One gram or more of a mixture or substance containing a detectable amount of
44 lysergic acid diethylamide (LSD); or

45 ~~[(5)]~~ (4) Ninety grams or more of a mixture or substance containing a detectable
46 amount of phencyclidine (PCP); or

47 ~~[(6)]~~ (5) Twelve grams or more of phencyclidine; or

48 ~~[(7)]~~ (6) One hundred kilograms or more of a mixture or substance containing
49 marijuana; or

50 ~~[(8)]~~ (7) More than five hundred marijuana plants; or

51 ~~[(9)]~~ (8) Ninety grams or more but less than four hundred fifty grams of any material,
52 compound, mixture, or preparation containing any quantity of the following substances
53 having a stimulant effect on the central nervous system: amphetamine, its salts, optical
54 isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts
55 of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

56 ~~[(10)]~~ (9) Ninety grams or more but less than four hundred fifty grams of any
57 material, compound, mixture, or preparation which contains any quantity of 3,4-
58 methylenedioxymethamphetamine; or

59 ~~[(11)]~~ (10) Twenty milligrams or more of fentanyl or carfentanil, or any derivative
60 thereof, or any combination thereof, or any compound, mixture, or substance containing a
61 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

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

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

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

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

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