

SECOND REGULAR SESSION

# HOUSE BILL NO. 1433

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HALEY.

3640H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 579.065 and 579.068, RSMo, and to enact in lieu thereof two new sections relating to offenses involving the trafficking of drugs, with penalty provisions.

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

Section A. Sections 579.065 and 579.068, RSMo, are repealed and two new sections  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

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) More than thirty grams of a mixture or substance containing a detectable amount  
17 of phencyclidine (PCP);

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.

- 18 (6) More than four grams of phencyclidine;
- 19 (7) More than thirty kilograms of a mixture or substance containing marijuana;
- 20 (8) 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) More than thirty grams of any material, compound, mixture, or preparation which  
26 contains any quantity of 3,4-methylenedioxymethamphetamine;
- 27 (10) One gram or more of flunitrazepam for the first offense;
- 28 (11) Any amount of gamma-hydroxybutyric acid for the first offense; or
- 29 (12) More than ~~ten~~ **three but less than fourteen** milligrams of fentanyl or  
30 carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture,  
31 or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers  
32 or analogues.
- 33 2. The offense of trafficking drugs in the first degree is a class B felony.
- 34 3. The offense of trafficking drugs in the first degree is a class A felony if the quantity  
35 involved is:
- 36 (1) Ninety grams or more of a mixture or substance containing a detectable amount of  
37 heroin; or
- 38 (2) Four hundred fifty grams or more of a mixture or substance containing a  
39 detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which  
40 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts  
41 and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their  
42 salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains  
43 any quantity of any of the foregoing substances; or
- 44 (3) Twenty-four grams or more of a mixture or substance described in subdivision (2)  
45 of this subsection which contains cocaine base; or
- 46 (4) One gram or more of a mixture or substance containing a detectable amount of  
47 lysergic acid diethylamide (LSD); or
- 48 (5) Ninety grams or more of a mixture or substance containing a detectable amount of  
49 phencyclidine (PCP); or
- 50 (6) Twelve grams or more of phencyclidine; or
- 51 (7) One hundred kilograms or more of a mixture or substance containing marijuana;  
52 or
- 53 (8) Ninety grams or more of any material, compound, mixture, or preparation  
54 containing any quantity of the following substances having a stimulant effect on the central

55 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;  
56 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine  
57 and its salts; or methylphenidate; or

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

70 (10) Ninety grams or more of any material, compound, mixture or preparation which  
71 contains any quantity of 3,4-methylenedioxymethamphetamine; or

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

81 (12) One gram or more of flunitrazepam for a second or subsequent offense; or

82 (13) Any amount of gamma-hydroxybutyric acid for a second or subsequent offense;

83 or

84 (14) ~~Twenty~~ **Fourteen** milligrams or more of fentanyl or carfentanil, or any  
85 derivative thereof, or any combination thereof, or any compound, mixture, or substance  
86 containing a detectable amount of fentanyl or carfentanil, or their optical isomers or  
87 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) More than thirty grams of a mixture or substance containing a detectable amount  
17 of phencyclidine (PCP);

18 (6) More than four grams of phencyclidine;

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

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

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

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

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

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

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

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

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

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

46 (5) Ninety grams or more of a mixture or substance containing a detectable amount of  
47 phencyclidine (PCP); or

48 (6) Twelve grams or more of phencyclidine; or

49 (7) One hundred kilograms or more of a mixture or substance containing marijuana;  
50 or

51 (8) More than five hundred marijuana plants; or

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

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

60 (11) ~~Twenty~~ **Fourteen** milligrams or more of fentanyl or carfentanil, or any  
61 derivative thereof, or any combination thereof, or any compound, mixture, or substance  
62 containing a detectable amount of fentanyl or carfentanil, or their optical isomers or  
63 analogues.

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

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

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

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

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