

SECOND REGULAR SESSION

# HOUSE BILL NO. 1996

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE PERKINS.

4652H.01I

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal sections 579.030, 579.055, and 579.065, RSMo, and to enact in lieu thereof three new sections relating to drug offenses involving persons under twenty-two years of age, with penalty provisions.

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

Section A. Sections 579.030, 579.055, and 579.065, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 579.030, 579.055, and 579.065, to read as follows:

579.030. 1. A person commits the offense of distribution of a controlled substance in a protected location if he or she knowingly distributes, sells, or delivers any controlled substance, except thirty-five grams or less of marijuana or synthetic cannabinoid, to a person **under twenty-two years of age** with knowledge that that distribution, delivery or sale is:

(1) In, on, or within two thousand feet of, the real property comprising a public or private elementary, vocational, or secondary school, or on any school bus; or

(2) In, on, or within one thousand feet of, the real property comprising a public park, state park, county park, municipal park, or private park designed for public recreational purposes, as park is defined in section 253.010; or

(3) In or on the real property comprising public housing or other governmental assisted housing.

2. The offense of unlawful distribution of a controlled substance **to a person under twenty-two years of age** in a protected location is a class A felony.

3. **This offense shall not apply if the offense is committed by a person under twenty-two years of age.**

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.

579.055. 1. A person commits the offense of manufacture of a controlled substance if, except as authorized in this chapter or chapter 195, he or she:

- (1) Knowingly manufactures, produces, or grows a controlled substance;
- (2) Attempts to manufacture, produce, or grow a controlled substance; or
- (3) Knowingly possesses a controlled substance with the intent to manufacture, produce, or grow any amount of controlled substance.

2. The offense of manufacturing or attempting to manufacture any amount of controlled substance is a class B felony when committed within two thousand feet of the real property comprising a public or private elementary, vocational, or secondary school, community college, college, or university~~[-It]~~ **and when the person involves another person under twenty-two years of age while committing such offense. This subsection shall not apply when the offense is committed by a person under twenty-two years of age.**

**3. The offense of manufacturing or attempting to manufacture any amount of controlled substance** is a class A felony if a person has suffered serious physical injury or has died as a result of a fire or explosion started in an attempt by the defendant to produce methamphetamine.

~~[3-]~~ 4. The offense of manufacturing or attempting to manufacture any amount of a controlled substance, except thirty-five grams or less of marijuana or synthetic cannabinoid, is a class C felony.

~~[4-]~~ 5. The offense of manufacturing thirty-five grams or less of marijuana or synthetic cannabinoid is a class E felony.

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

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

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

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

(4) More than five hundred milligrams of a mixture or substance containing a 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;
- 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 milligrams of fentanyl or carfentanil, or any derivative thereof, or  
30 any combination thereof, or any compound, mixture, or substance containing a detectable  
31 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 (2)  
44 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) Ninety grams or more of a mixture or substance containing a detectable amount of  
48 phencyclidine (PCP); or
- 49 (6) Twelve grams or more of phencyclidine; or
- 50 (7) One hundred kilograms or more of a mixture or substance containing marijuana;  
51 or

52 (8) 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) 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[5]; and the location of the offense was within two thousand  
62 feet of real property comprising a public or private elementary, vocational, or secondary  
63 school, 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; **and the person distributes the drugs to a person**  
69 **under twenty-two years of age; 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 milligrams or more of fentanyl or carfentanil, or any derivative thereof,  
85 or any combination thereof, or any compound, mixture, or substance containing a detectable  
86 amount of fentanyl or carfentanil, or their optical isomers or analogues.

87           **4. Subdivision (9) of subsection 3 of this section shall not apply when the offense**  
88 **is committed by a person under twenty-two years of age.**

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