

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NOS. 2523, 2367 & 2470

## 102ND GENERAL ASSEMBLY

5277H.06C

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 579.065, RSMo, and to enact in lieu thereof two new sections relating to public safety, with penalty provisions.

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

Section A. Section 579.065, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 569.089 and 579.065, to read as follows:

**569.089. 1. This section shall be known and may be cited as the "Homeland Security Act".**

**2. The general assembly of this state finds the following:**

**(1) Millions of illegal aliens are crossing our nation's southern border each year, causing a humanitarian crisis;**

**(2) This invasion of illegal aliens has caused an influx of crime, cartel activity, and human and drug trafficking;**

**(3) Persons illegally crossing our nation's southern border cannot be properly vetted for terrorist ties and activity;**

**(4) The border crisis is a homeland security concern and a threat to national security;**

**(5) Article IV, Section 4 of the Constitution of the United States states that the United States guarantees to every state in this union a republican form of government and to protect each state against invasion;**

**(6) The current federal administration has been derelict in securing the southern border and addressing the crisis occurring at the southern border. This dereliction of duty on the part of the federal government to protect the United States from invasion impels this state to invoke Article 1, Section 10 of the Constitution of the United States**

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.

19 **that states no state shall enter into an agreement or a compact with another state unless**  
20 **there is an invasion;**

21 **(7) Necessary measures shall be taken to curb this invasion and the influx of**  
22 **fentanyl for the public safety of this state; and**

23 **(8) It is necessary to enter into an agreement or a compact with states along the**  
24 **southern border of the United States to aid such states in efforts to address the invasion**  
25 **occurring at the nation's southern border.**

26 **3. A person commits the offense of trespass by an illegal alien if the person:**

27 **(1) Is eighteen years of age or older and has committed an act that qualifies as a**  
28 **class C misdemeanor or any higher category of offense on public or private land in this**  
29 **state; and**

30 **(2) Has not been issued an alien registration card, is not a temporary resident, is**  
31 **not a temporary visitor, or has willfully failed to register.**

32 **4. The offense of trespass by an illegal alien is a class C felony.**

33 **5. The provisions of this section shall not apply to a person who maintains**  
34 **authorization from the federal government to remain in the United States. A person**  
35 **shall be presumed to be a person who maintains authorization from the federal**  
36 **government to remain in the United States if the person has been issued a valid Missouri**  
37 **government identification or has a valid government-issued identification issued by**  
38 **another state.**

39 **6. The provisions of this section shall not apply to a person who allows his or her**  
40 **authorization from the federal government to remain in the United States to lapse if**  
41 **such person subsequently renews his or her authorization papers within one hundred**  
42 **eighty days from the date of expiration of such authorization.**

43 **7. A violation of this section shall not be used to establish probable cause for any**  
44 **other violation.**

45 **8. As used in this section, the following terms mean:**

46 **(1) "Alien registration card", the identification card given to lawful permanent**  
47 **residents by the United States Citizenship and Immigration Services to identify them as**  
48 **such;**

49 **(2) "Illegal alien", an alien who is not lawfully present in the United States**  
50 **according to the terms of 8 U.S.C. Section 1101 et seq.**

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);

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; **or**

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

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

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

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

82 or

83 (14) [~~Twenty~~] **Two** 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.

86 **4. If a violation of subdivision (14) of subsection 3 of this section results in death,**  
87 **a person convicted of such violation shall be imprisoned for life without eligibility for**  
88 **probation or parole unless the court determines that the person shall be sentenced to**  
89 **death if the person is eighteen years of age or older at the time of the offense. If the**  
90 **person has not reached his or her eighteenth birthday at the time of the commission of**  
91 **the offense, the punishment shall be as provided under section 565.033.**

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