

FIRST REGULAR SESSION

HOUSE BILL NO. 49

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HALEY.

0878H.011

DANA RADEMAN MILLER, Chief Clerk

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.

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Section A. Sections 579.065 and 579.068, RSMo, are repealed and two new sections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 five hundred milligrams of a mixture or substance containing a
13 detectable amount of lysergic acid diethylamide (LSD);

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

16 (5) More than four grams of phencyclidine;

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

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

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

25 (9) One gram or more of flunitrazepam for the first offense;

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

27 (11) 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,
29 mixture, or substance containing a detectable amount of fentanyl ~~[or carfentanil]~~, or ~~[their]~~ **its**
30 optical isomers or analogues; **or**

31 **(12) Any amount of carfentanil.**

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

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

47 (5) Twelve grams or more of phencyclidine; or

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

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

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

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

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

78 (11) One gram or more of flunitrazepam for a second or subsequent offense; or

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

80 or

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

85 **(14) More than five hundredths of a milligram of carfentanil.**

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 five hundred milligrams of a mixture or substance containing a
13 detectable amount of lysergic acid diethylamide (LSD);

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

16 (5) More than four grams of phencyclidine;

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

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

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

25 (9) More than ~~ten~~ **three but less than fourteen** milligrams of fentanyl ~~[or~~
26 ~~carfentanil]~~, or any derivative thereof, ~~[or any combination thereof,]~~ or any compound,
27 mixture, or substance containing a detectable amount of fentanyl ~~[or carfentanil]~~, or ~~their~~ **its**
28 optical isomers or analogues; **or**

29 **(10) Any amount of carfentanil.**

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

43 (4) Ninety grams or more of a mixture or substance containing a detectable amount of
44 phencyclidine (PCP); or

45 (5) Twelve grams or more of phencyclidine; or

46 (6) One hundred kilograms or more of a mixture or substance containing marijuana;

47 or

48 (7) More than five hundred marijuana plants; or

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

54 (9) Ninety grams or more but less than four hundred fifty grams of any material,
55 compound, mixture, or preparation which contains any quantity of 3,4-
56 methylenedioxymethamphetamine; or

57 (10) ~~Twenty~~ **Fourteen** milligrams or more of fentanyl ~~[or carfentanil]~~, or any
58 derivative thereof, ~~[or any combination thereof,]~~ or any compound, mixture, or substance
59 containing a detectable amount of fentanyl ~~[or carfentanil]~~, or ~~[their]~~ **its** optical isomers or
60 analogues; **or**

61 **(11) More than five hundredths of a milligram of carfentanil.**

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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