

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 3068 & 3049, Page 7, Section 43.530,
2 Line 23, by inserting after said section and line the following:
3

4 "579.022. 1. A person commits the offense of delivery of a controlled substance causing
5 death if a person delivers or distributes a controlled substance under section 579.020 [~~knowing~~
6 ~~such substance is mixed with another controlled substance~~] and a death results from the use of
7 such controlled substance.

8 2. It shall not be a defense that the user contributed to the user's own death by using the
9 controlled substance or consenting to the administration of the controlled substance by another.

10 3. The offense of delivery of a controlled substance causing death is a class A felony.

11 4. For purposes of this section, "controlled substance" means a Schedule I or Schedule II
12 controlled substance, as defined in section 195.017.

13 579.065. 1. A person commits the offense of trafficking drugs in the first degree if,
14 except as authorized by this chapter or chapter 195, such person knowingly distributes, delivers,
15 manufactures, produces or attempts to distribute, deliver, manufacture or produce:

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

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

24 (3) More than five hundred milligrams of a mixture or substance containing a detectable
25 amount of lysergic acid diethylamide (LSD);

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

28 (5) More than four grams of phencyclidine;

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

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

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

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

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

10 (11) More than ~~ten~~ three milligrams of fentanyl ~~or carfentanil~~, or any derivative
11 thereof, ~~or any combination thereof,~~ or any compound, mixture, or substance containing a
12 detectable amount of fentanyl ~~or carfentanil~~, or ~~their~~ its optical isomers or analogues; or

13 (12) Any amount of carfentanil.

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

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

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

19 (2) Four hundred fifty grams or more of a mixture or substance containing a detectable
20 amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine,
21 ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their
22 optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers,
23 and salts of isomers; or any compound, mixture, or preparation which contains any quantity of
24 any of the foregoing substances; or

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

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

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

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

31 (7) Ninety grams or more of any material, compound, mixture, or preparation containing
32 any quantity of the following substances having a stimulant effect on the central nervous system:
33 amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its
34 salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or
35 methylphenidate; or

36 (8) More than thirty grams of any material, compound, mixture, or preparation
37 containing any quantity of the following substances having a stimulant effect on the central
38 nervous system: amphetamine, its salts, optical isomers, and salts of its optical isomers;

1 methamphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine and
 2 its salts; or methylphenidate, and the location of the offense was within two thousand feet of real
 3 property comprising a public or private elementary, vocational, or secondary school, college,
 4 community college, university, or any school bus, in or on the real property comprising public
 5 housing or any other governmental assisted housing, or within a motor vehicle, or in any
 6 structure or building which contains rooms furnished for the accommodation or lodging of
 7 guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping
 8 accommodations are sought for pay or compensation to transient guests or permanent guests; or

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

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

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

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

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

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

26 579.068. 1. A person commits the offense of trafficking drugs in the second degree if,
 27 except as authorized by this chapter or chapter 195, such person knowingly possesses or has
 28 under his or her control, purchases or attempts to purchase, or brings into this state:

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

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

37 (3) More than five hundred milligrams of a mixture or substance containing a detectable
 38 amount of lysergic acid diethylamide (LSD);

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

3 (5) More than four grams of phencyclidine;

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

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

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

12 (9) More than ~~ten~~ three milligrams of fentanyl ~~or carfentanil~~, or any derivative
13 thereof, ~~or any combination thereof,~~ or any compound, mixture, or substance containing a
14 detectable amount of fentanyl ~~or carfentanil~~, or ~~their~~ its optical isomers or analogues; or

15 (10) Any amount of carfentanil.

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

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

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

21 (2) Four hundred fifty grams or more of a mixture or substance containing a detectable
22 amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine,
23 ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their
24 optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers,
25 and salts of isomers; or any compound, mixture, or preparation which contains any quantity of
26 any of the foregoing substances; or

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

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

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

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

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

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

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

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

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

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

11 (1) Any quantity of the following substances having a stimulant effect on the central
12 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
13 methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or
14 methylphenidate; or

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

16 5. The offense of drug trafficking in the second degree is a class C felony for the first
17 offense and a class B felony for any second or subsequent offense for the trafficking of less than
18 one gram of flunitrazepam."; and

19
20 Further amend said bill by amending the title, enacting clause, and intersectional references
21 accordingly.